

**ZB# 95-66**

**C.P. Mans /  
Dutchess Terminals**

**33-1-7**

# 95-66 - Mans. C.P. / Dutchess  
33-1-7 Terminals  
(Lessee)

Prelim.

~~33-1-7~~

new NOD needed

Copy of Footpad

I need it  
Notice to Paper 2/28  
Construction 1996

Prelim.

February 5, 1996.

Public Hearing:

March 11, 1996.

All area variances  
approved except for  
4 ft. Sign Height  
which was Disapproved

Refund: \$ 313.00

TOWN OF NEW WINDSOR  
555 Union Avenue  
New Windsor, NY 12550

# GENERAL RECEIPT

15222

Jan. 17 1996

Received of Dutchess Terminals, Inc. \$ 150.<sup>00</sup>

One Hundred fifty <sup>00</sup>/<sub>100</sub> DOLLARS

For ZBA # 95-66

DISTRIBUTION:

FUND	CODE	AMOUNT
ck # 2962		150. <sup>00</sup>

By Dorothy H. Hansen

Town Clerk

Title

FUND	CODE	AMOUNT
ck# 2962		150 <sup>00</sup>

© WILLIAMSON LAW BOOK CO., VICTOR, N.Y. 14564

By Dorothy N. Hansen

Town Clerk

Title

D41096.CPM.

Casey - 562-6003.



## APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Mans, C.P.FILE # 95-66.RESIDENTIAL: \$ 50.00  
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA ☒USE ☐APPLICATION FOR VARIANCE FEE . . . . . \$ 150.00 - Paid  
\* \* \* \* \* Ck. 2962.ESCROW DEPOSIT FOR CONSULTANT FEES . . . . . \$ 500.00 - Paid

## DISBURSEMENTS -

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING - PER PAGE	2/5/96 - 6 pages	\$ <u>27.00</u>
2ND PRELIM. MEETING - PER PAGE	3/14/96 - 20 pages	\$ <u>90.00</u>
3RD PRELIM. MEETING - PER PAGE		\$
PUBLIC HEARING - PER PAGE		\$
PUBLIC HEARING (CONT'D) PER PAGE		\$
TOTAL		\$ <u>117.00</u>

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING:	2/5/96	\$ <u>35.00</u>
2ND PRELIM.	3/14/96	\$ <u>35.00</u>
3RD PRELIM.		\$
PUBLIC HEARING		\$
PUBLIC HEARING		\$
TOTAL		\$ <u>70.00</u>

## MISC. CHARGES:

	\$ <u>0.00</u>
TOTAL	\$ <u>187.00</u>

LESS ESCROW DEPOSIT	\$ <u>500.00</u>
(ADDL. CHARGES DUE)	\$
REFUND DUE TO APPLICANT	\$ <u>313.00</u>

(ZBA DISK#7-012192.FEE)

Date 5/25....., 1976

# TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

TO Dutchess Terminals, Inc. DR.  
256 North Road  
Poughkeepsie, N.Y. 12601

DATE	CLAIMED	ALLOWED
3/25	Escrow Refund - # 95-66 (ZBA)	\$ 313.00
<p>Approved: Patricia C. Bauhart ZBA.</p>		

DUTCHESS TERMINALS, INC.

VENDOR ID: TOW01

PAYEE: Town of New Windsor

CHECK NO.: 2963

DATE: 12/27/95

MEMO: APPL. FOR ZONING

2963

CHECK TOTAL: \*\*\*\*\*\$500.00

DUTCHESS TERMINALS, INC.

256 NORTH ROAD  
POUGHKEEPSIE, NEW YORK 12601

RIVERSIDE BANK  
11-13 GARDEN STREET  
POUGHKEEPSIE, NY 12601

50-1134/219

CHECK NO.

2963

2963

PAY: FIVE HUNDRED DOLLARS

DATE

12/27/95

AMOUNT

\*\*\*\*\*\$500.00

PAY  
TO THE  
ORDER  
OF

Town of New Windsor  
555 Union Avenue  
New Windsor, New York 12553

AUTHORIZED SIGNATURE

⑈002963⑈ ⑆021911343⑆ ⑈01 20 011127⑈

**DUTCHESS TERMINALS, INC.**

VENDOR ID: TOW01

PAYEE: Town of New Windsor

\*CHECK NO.: 2962

DATE: 12/27/95

MEMO: Appl. zoning

2962

CHECK TOTAL: \*\*\*\*\*\$150.00

**DUTCHESS TERMINALS, INC.**

256 NORTH ROAD  
POUGHKEEPSIE, NEW YORK 12601

RIVERSIDE BANK  
11-13 GARDEN STREET  
POUGHKEEPSIE, NY 12601

50-1134/219

CHECK NO.

2962

2962

PAY: ONE HUNDRED FIFTY DOLLARS

DATE

12/27/95

AMOUNT

\*\*\*\*\*\$150.00

PAY  
TO THE  
ORDER  
OF

Town of New Windsor  
555 Union Avenue  
New Windsor, New York 12553

AUTHORIZED SIGNATURE

⑈002962⑈ ⑆021911343⑆ ⑈01 20 011127⑈

-----x  
In the Matter of the Application of

C.P. MANS/DUTCHESS TERMINALS, INC.

MEMORANDUM OF  
DECISION GRANTING  
AND DENYING  
AREA VARIANCES

#95-66.  
-----x

WHEREAS, C. P. MANS, P. O. Box 247, Vails Gate, New York 12584, (owner), and DUTCHESS TERMINALS, INC., a corporation having an office at 256 North Road, Poughkeepsie, New York 12601, as Lessee, have made application before the Zoning Board of Appeals for a 4 ft. front yard variance for existing canopy, 6 ft. side yard variance, plus 56 s.f. sign area and 4 ft. sign height for free-standing sign for location on south side of Route 207 in an NC zone; and

WHEREAS, a public hearing was held on the 11th day of March, 1996, before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared by James Spratt, P. E.; and

WHEREAS, there were three spectators appearing at the public hearing; and

WHEREAS, three spectators spoke in opposition to the application before the Board; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence presented by the applicant showed that:

(a) The property is a commercial property in a neighborhood of commercial properties located immediately opposite the entrance to Stewart Airport.

(b) The property is a gas station. The variances are sought to allow renovation of the gas station building by a tenant for its use of part of the building.

(c) The tenant seeks to rehabilitate the entire building; install a new pump island and install new pumps, install a new canopy over the pumps and install a free-standing sign.

(d) The canopy will contain fire suppression equipment thereby promoting the safety of the public.

(e) The proposed canopy will protect the customers from the weather and will thereby promote the health and welfare of the public.

(f) The proposed pump island is in its proposed location to provide traffic circulation on the site. Locating it in a place where no variances were needed would impede traffic circulation and use and would be a detriment both to the property and the members of the public using the facility.

(g) The front of the building is 34 ft. from the property line. The height requirement for the canopy is 40 ft. so in order to comply with the Zoning Local Law, the canopy would have to be erected behind the building which is patently not feasible.

(h) A gas station nearby has a similar canopy for which variances have been granted. Variances have been granted for the erection of many similar canopies in the Town of New Windsor.

(i) The building has existed for a long time but the configuration of this property will not allow a building permit to be issued because it does not now conform to the current requirements of the Zoning Local Law.

(j) The only way to have the building on this property conform is to totally raze the building and reconstruct it.

(k) The proposed free-standing sign is the smallest sign available according to the corporate supplier (Citgo).

(l) The sign area is intended to announce the gas prices as well as identify the vendor. It is the desire of the Applicant to put the gas prices on the sign rather than erecting an additional sign or announcement thereby reducing the clutter of signs and promoting visibility and the convenience of the motoring public.

(m) The proposed free-standing sign is double-sided. The Zoning Local Law of the Town of New Windsor would allow two single-sided, free-standing signs provided same are 300 ft. apart. The Applicant proposes to place one double-sided, free-standing sign in lieu of the two, separate free-standing signs, thereby reducing the number of signs and promoting visibility and convenience as specified above.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variances for all but sign height will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties. The variance requested for the height of the free-standing sign will create a detriment to nearby properties in that it will produce

# Mans / batches -

Name

Address

Lester A. Clark

Tomkins Cove NY.

Craig A. Pazzan

Little Britain rd

Adrienne J. Pietras

635A Little Britain Rd.



## ZONING BOARD OF APPEALS

Regular Session

March 11, 1996

## REVISED AGENDA:

7:30 P.M. - Roll Call

Motion to accept minutes of the 2/05/96 and 2/26/96 meeting as written if available. *APPROVED*

## PRELIMINARY MEETING:

*SET UP FOR P/H*

✓ 1. LOMBARDI, FRANK - Request for 8 ft. front yard variance for proposed addition to residence located at 465 Oak Drive in an R-4 zone. (62-8-7).

*SET UP FOR P/H*

✓ 2. NASTA, ALBERT - Request for variation of Section 48-14A(4) of the Supplementary Yard Regulations in order to construct above-ground pool at 10 Hillcrest Drive in R-4 zone. (59-2-1).

## PUBLIC HEARING:

✓ *DID NOT HAVE TEN DAY NOTICE IN NEWSPAPER.*

✓ 3. VGR ASSOCS./GOLUB CORP. - Request for 6.77 ft. x 11.5 ft. sign variance for facade, plus a variation from Section 48-18H(1)(b)[1] of the Supp. Sign Regs. to allow more than one facade sign on future Price Chopper's Supermarket located in Vails Gate (formerly Waldbaum's) in a C zone. (69-1-6).

*APPROVED*✓ *MURRAY* 4. MANS/DUTCHESS TERMINALS - Request for 4 ft. front yard variance for existing building, 39 ft. front yard variance for canopy, 6 ft. side yard variance, plus 56 s.f. sign area and 4 ft. sign height for free-standing sign for location on s/s Route 207 in NC zone. Present: James Spratt, P.E. (33-1-9).

## FORMAL DECISIONS: (1) RHODES

(2) HR&amp;C/POSITIVE BUSINESS INVESTMENT

(3) ROSENBAUM/STERN

(4) LANGANKE

(5) MYLONAS

(6) DIGERATU

*APPROVED*PAT - 563-4630 (O)  
562-7107 (H)*4' FT FRONT YARD**6' FT SIDE YARD**56 SQ FT SIGN**39 ~~FEET~~ FRONT YARD CANOPY**APPROVED**4 FT HEIGHT FOR SIGN**DISAPPROVED*



TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

# 95-66

Date: 12/14/95

I. Applicant Information:

- (a) C. Mans, Vails Gate, NY. # 562-6003  
(Name, address and phone of Applicant) (Owner)
- (b) Dutchess Terminals, 256 North Rd, Poughkeepsie - 12601 Phone # 911-338  
(Name, address and phone of purchaser or lessee)
- (c) \_\_\_\_\_  
(Name, address and phone of attorney)
- (d) James Spratt, P.E. Box 156 Hyde Park NY 12538-0156 Phone # 229-2767  
(Name, address and phone of contractor (engineer) architect)

II. Application type:

- ☐ Use Variance ☒ Sign Variance
- ☒ Area Variance ☐ Interpretation

III. Property Information:

- (a) NC Route 207 @ Bruenig Rd. 30-1-7 17,067 SF  
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? AP to north, R-3 to south
- (c) Is a pending sale or lease subject to ZBA approval of this application? YES
- (d) When was property purchased by present owner? \_\_\_\_\_
- (e) Has property been subdivided previously? YES
- (f) Has property been subject of variance previously? NO  
If so, when? \_\_\_\_\_
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? NO
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

IV. Use Variance.

- (a) Use Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_, to allow: \_\_\_\_\_  
(Describe proposal) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes \_\_\_\_\_ No \_\_\_\_\_.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 78-12, Table of Bulk Regs., Col. E.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. <u>40'</u>	<u>1' for canopy</u>	<u>39' for canopy</u>
Reqd. Side Yd. <u>15'</u>	<u>9' (available existing)</u>	<u>6' (existing)</u>
Reqd. Rear Yd. _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. <u>59' 15'</u>	<u>19'</u>	<u>4' additional height</u>
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

Residential Districts only

\*\* No-residential districts only

(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

Describe why you believe the ZBA should grant your application for an area variance:

Construction of canopy over gas pumps to meet public demand to have shelter when they pump their own gas. Canopy adds fire safety to station due to installed fire suppression system. Existing location of building, driveways openings and highway boundary limits location

(You may attach additional paperwork if more space is needed)

#### VI. Sign Variance:

(a) Variance requested from New Windsor Zoning Local Law, Section NC, Table of Bulk Regs., Col. N.

	Requirements	Proposed or Available	Variance Request
Sign 1	<u>1</u>	<u>120 SF</u>	<u>90 SF</u>
Sign 2 <u>height</u>	<u>15'</u>	<u>19'</u>	<u>4'</u>
Sign 3			
Sign 4			

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

This request is for a twin pole installation with company standard logo (5'x5') on top, price listing on bottom (5'x7'). This is 60 SF per face, or 120 SF total sign. This represents the smaller twin pole sign available using company standard signage. Need is to match current signage on similar land uses in immediate area.

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

120 SF free standing + 3 - (9' logos) on canopy + 1 logo on station face (25') Total 120 + 27 + 25 = 172 SF total

#### VII. Interpretation.

(a) Interpretation requested of New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

(b) Describe in detail the proposal before the Board:

#### VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

*This is an existing deteriorating gas station that will be completely renovated to the newest gas station standards. It will improve the area, remove an "eyesore" condition and afford motorists a choice as to what fuel is available.*

IX. Attachments required:

- ☒ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- ☒ Copy of tax map showing adjacent properties.
- ☒ Copy of contract of sale, lease or franchise agreement.
- ☒ Copy of deed and title policy.
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☒ Copy(ies) of sign(s) with dimensions and location.
- ☒ Two (2) checks, one in the amount of \$ 150 and the second check in the amount of \$ 500, each payable to the TOWN OF NEW WINDSOR.
- ☒ Photographs of existing premises from several angles.

X. Affidavit.

Date: February 6, 1996

STATE OF NEW YORK )  
 ) SS.:  
COUNTY OF ORANGE )

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

\_\_\_\_\_  
(Applicant)

Sworn to before me this

\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

XI. ZBA Action:

(a) Public Hearing date: \_\_\_\_\_.

(b) Variance: Granted (\_\_\_\_) Denied (\_\_\_\_)

(c) Restrictions or conditions: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

OFFICE OF THE PLANNING BOARD - TOWN OF NEW WINDSOR  
ORANGE COUNTY, NY

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

PLANNING BOARD FILE NUMBER: 95-25

DATE: 6 DEC 95

APPLICANT: Dutchess Terminals  
256 North Road  
Poughkeepsie, N.Y. 12601

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED \_\_\_\_\_

FOR (~~SUBDIVISION~~ - SITE PLAN) \_\_\_\_\_

LOCATED AT South side Route 207

\_\_\_\_\_ ZONE \_\_\_\_\_

DESCRIPTION OF EXISTING SITE: SEC: 33 BLOCK: 1 LOT: 9

IS DISAPPROVED ON THE FOLLOWING GROUNDS: FRONT YARD

SETBACK VARIANCE FOR PROPOSED CANOPY.  
(40 FT REQ'D, 1 FT PROPOSED 39 FT VARIANCE).  
HEIGHT VARIANCE POSSIBLY REQ'D FOR CANOPY.

MICHAEL J. EDGALL P.E. LE  
MICHAEL BABCOCK,  
BUILDING INSPECTOR

REQUIREMENTS		PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE	<u>NC</u>	USE	<u>B-9</u>
MIN. LOT AREA	<u>15,000 SF</u>	<u>17,067</u>	<u>          </u>
MIN. LOT WIDTH	<u>125 FT</u>	<u>150</u>	<u>          </u>
REQ'D FRONT YD	<u>40 FT</u>	<u>36 FT</u>	<u>4 FT *</u>
REQ'D SIDE YD.	<u>15 FT</u>	<u>9 FT</u>	<u>6 FT *</u>
REQ'D TOTAL SIDE YD.	<u>30 FT</u>	<u>42 FT</u>	<u>          </u>
REQ'D REAR YD.	<u>15 FT</u>	<u>68 FT</u>	<u>          </u>
REQ'D FRONTAGE	<u>N/A</u>	<u>N/A</u>	<u>          </u>
MAX. BLDG. HT.	<u>23 FT</u>	<u>17 FT</u>	<u>          </u>
FLOOR AREA RATIO	<u>0.5 FT</u>	<u>0.13</u>	<u>          </u>
MIN. LIVABLE AREA	<u>N/A</u>	<u>N/A</u>	<u>          </u>
DEV. COVERAGE	<u>N/A %</u>	<u>N/A %</u>	<u>          %</u>
O/S PARKING SPACES	<u>13 SPACES</u>	<u>13</u>	<u>          </u>

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT:  
(914-563-4630) TO MAKE AN APPOINTMENT WITH THE ZONING BOARD  
OF APPEALS.

CC: Z.B.A., APPLICANT, P.B. ENGINEER, P.B. FILE

\* Possibly pre-existing non-conforming

DUTCHESS TERMINAL SITE PLAN (95-25) RT. 207

Khosrow (Russo) Vosoughi of Dutchess Termnal, Inc. appeared before the board for this proposal.

MR. VOSOUGHI: Mr. Spratt could not be here tonight, I'm Russo Vosoughi of Dutchess Terminals so the way I understand they had a meeting at the workshop, I'll do my best to answer any questions, as many questions as I possibly can.

MR. PETRO: I just want to make it clear for anyone here, this application is for the gas station parcel only, is that correct?

MR. VOSOUGHI: Yes.

MR. PETRO: Has nothing to do with the Park and Ride whatsoever?

MR. VOSOUGHI: Right.

MR. PETRO: This is only for the gas station parcel, not the Park and Ride where the gas station sits.

MR. EDSALL: There's a connection only by virtue of the fact that the previous application included all three sites, this effectively is an amendment for a portion of the previous site plan Park, Fly and Drive, although this plan addresses only that piece.

MR. DUBALDI: So this doesn't involve the other site plan approval?

MR. BABCOCK: Correct.

MR. EDSALL: The previous application did address all three sites, this one effectively becomes an amendment of the middle piece of that larger puzzle.

MR. PETRO: Go ahead.

MR. VOSOUGHI: This is, as you can see, it's the operator for the existing station for the two bay garage with one door access to the front and two doors



access from the back of the building, 8 parking spaces for the two because five parking spaces for the convenient store with the underground storage tank for gasoline, kerosene, two MPD, multi product dispensers and canopy with the sign as shown on the plan.

MR. PETRO: Service area in this building is for what purpose?

MR. VOSOUGHI: When you say service area, would be for the mechanic shop and/or detail work.

MR. PETRO: For what, for whose business, you're renting that?

MR. VOSOUGHI: No, it would not, it would be used for a service station for the gas station.

MR. VAN LEEUWEN: Which section are you going to be--

MR. VOSOUGHI: I would be controlling this section right here, the sales area.

MR. DUBALDI: What's going to happen to the other section?

MR. VAN LEEUWEN: How are you going to get into the other section right here?

MR. VOSOUGHI: Right next to the building, it goes to the back, we put a driveway right next to it, a two-way driveway on top of the bank.

MR. BABCOCK: Over top of the tank.

MR. VAN LEEUWEN: Tank's not going to be taken out?

MR. VOSOUGHI: Tanks are out. These are proposed new tanks.

MR. DUBALDI: You're going to be using this for service area as well? I didn't understand, I'm sorry. You're going to be using the sales area obviously for sales and you're going to be using the service area for your business?

MR. VOSOUGHI: No, that would be subleased.

MR. STENT: Would you be subleasing that out?

MR. VOSOUGHI: Well, the owner would be subleasing. I would be leasing just the sales area and the gas pumps.

MR. DUBALDI: This is going to be part of a different business then?

MR. KRIEGER: Excuse me--

MR. VOSOUGHI: Two separate businesses on the same property.

MR. KRIEGER: Excuse me, if I may, my confusion is with the term sublease, I understand you're going to be leasing the sales area?

MR. VOSOUGHI: Just the sales area, correct.

MR. KRIEGER: You're not going to be leasing the service area in any way?

MR. VOSOUGHI: Correct.

MR. KRIEGER: So, if the service area is going to be used, that would be a separate arrangement then, the owner and whoever that user is?

MR. VOSOUGHI: Correct.

MR. KRIEGER: So you won't be subleasing, it would be another lease unrelated to yours?

MR. VOSOUGHI: Correct.

MR. VAN LEEUWEN: What are you going to do to the existing building?

MR. VOSOUGHI: We're going to do stucco on the front of the building.

MR. VAN LEEUWEN: See this changes the original site

plan, we already approved the site plan for that building once.

MR. VOSOUGHI: I'm not aware of it.

MR. PETRO: This is the amended site plan.

MR. VOSOUGHI: Yes.

MR. VAN LEEUWEN: I don't go for the idea of stucco.

MR. VOSOUGHI: Stripes on the stucco, window, one door, another door, access to the storage units, window, front door window and side door and the bathroom on the side.

MR. VAN LEEUWEN: Well, the bathroom is there now there's two bathrooms?

MR. VOSOUGHI: Yes, correct.

MR. PETRO: Mark, why don't you touch on some of your comments so I don't have to read them all and digest them. What's your most pertinent?

MR. BABCOCK: Just for your knowledge, the canopy is going to need a referral to the ZBA. I don't know whether the board is aware of that or not, it's one foot from the property line.

MR. EDSALL: My comment two is just noting that they are showing the bulk requirements for the B7 use which is the special permit use but as well they are proposing A6, which is the retail, the bulk requirements for B7 are more restrictive in all cases but one they do need some variances as Mike indicated there are some noncompliances that are existing. So I don't think that is really a problem, so they do need to go to the ZBA. The parking they have resolved pursuant to several workshops, they do need to fix the handicapped parking detail which is not a big issue at this point. They also need to obtain a variance for having two signs on the property that are closer than 300 feet because the new sign ordinance does allow if you have two main entrances to a site to have two

project signs but not when they are this close. As well the new sign ordinance restriction sign height is 15 foot, they are showing 27, it restricts it to 64 square foot total, they have got almost 300 per sign so they have some significant variances.

MR. VAN LEEUWEN: Got to go to the zoning board first.

MR. EDSALL: Not just the building, they've got signs and other issues. One issue you may want to talk about is the comment was made that the access to the service areas would be from the rear. That is partially true. There is as well an overhead door in the front so that bay number 2 can be accessed from the front. My comment is that you should be aware of that and discuss it but as well, the entire building in the front is proposed to be upgraded and new windows, new finish but it appears that that one door is supposed to remain in its existing condition. My only comment is it seems kind of foolish to put two new doors in the back and leave the old door in the front when you're redoing the building.

MR. VAN LEEUWEN: We discussed this before, all new doors, all new windows we were promised.

MR. EDSALL: Other than that, Jim, I think that the next thing you have to do is pass it on to the ZBA.

MR. PETRO: Before we get that far, gentlemen, I want the board to listen to me a little bit here too. I'm going to address this to the owner and the applicant. I don't necessarily have a problem with the two occupants, in other words, sales area, you want to have service area and it's a garage and there you go. I see a 12 foot gate in the rear of the property, which accesses the Park and Ride. I can tell you from myself, I'll not vote on this until it's eliminated. I want the fence completely around. There's no accessing from the Park and Ride to this site. Number 2, I also want an assurance, a note on the map that this site will not have anything to do with the Park and Ride namely the service area. The service area cannot be used to bring cars in checked and whatever they are going to do, you want to bring cars there, bring them

around and do what you want to do but there's no staging area in the front of this building. You understand what I mean, to be bringing cars in to go put in the Park and Ride, drive them through, ticket them, go through the 12 foot gate which happens to be conveniently put there and start using the Park and Ride, that is to be eliminated. And I want a note on the plan that this will not be used for the Park and Ride, that is I'm one vote, that is my opinion, we have gone over this ten times and I know that you are not maybe too familiar with it, Mr. Mans, and again I don't have any other problem with the plan, other than I think the landscaping and the detail of the building might have to be looked at as Mr. Van Leeuwen pointed out.

MR. DUBALDI: Is there a dumpster enclosure?

MR. EDSALL: Yeah, it's behind the rear parking.

MR. VOSOUGHI: Behind the temporary building.

MR. PETRO: Does anybody have anything to add, what I just said as far as the Park and Ride?

MR. VAN LEEUWEN: Jimmy, you addressed the comments, exactly the gate is one of them, I saw the gate there and I agree with you on that because being used for the Park and Ride which we know that is going to happen. Second of all, the only other thing I have is that the building be upgraded so it looks halfway decent because the of our town is right across the street, I'm getting tired of looking at that every day, it's a dump.

MR. STENT: Does the building owner have any idea what he is going to be doing with the service because as far as renting them out--

MR. MANS: First of all, we're not sure exactly who might go into those services because I mean we have had different people that have mechanical shops now that have requested or they want to talk about what will be done there. I mean, the thing that I don't quite understand is why the Park, Fly and Drive and this operation has to be completely disconnected. Simple

reason, I mean there will be cars serviced out of that Park, Fly and Drive, it's not for parking, it's for servicing cars that come to that Park, Fly and Drive and instead of going out and around and causing a hazard on the highway, this is why the gate was put in.

MR. PETRO: Let me ask you this. Why would a car be serviced that comes to a Park, Fly and Drive? What would you do to a car that comes to that facility?

MR. MANS: There's a lot of things that might be done, he might want it detailed, might want it washed, might want the oil changed, greased, he might want all these these things which could will be requested when they come in for parking.

MR. PETRO: When I go to the an airport, the last thing I'm thinking about is an oil change when I'm flying out.

MR. MANS: You haven't had that opportunity.

MR. PETRO: We're not opposed to that, that is fine but I do not want--the problem is I can see it happening, there's no staging in front of this building, you follow what I am saying, staging, if you are going to be bringing cars in eventually going to be bringing them in through the service area and going out through that gate, that is what's going to happen.

MR. MANS: Going out through the gate.

MR. PETRO: Through the rear of the property on to the Park and drive.

MR. STENT: What Jim is trying to say, people are going to drop their cars off in the front of the service area, sales area, then would you take them around, bring them through?

MR. MANS: No, the toll booths will be as you enter near the old tavern there, there will be a parking officer shed right there and this is where all the parking customers will come in, they'll be solicited for any kind of service work that they might want as

Jim said, he's never done that. Well, you haven't had the opportunity because nobody furnished the facility. But we really think that it will be an accommodation to people that are parking.

MR. PETRO: I'll stand corrected, it is a great idea, it's a great service when you bring the cars over, you're going to go out of the front, bring them in, service them, bring them back the same way, you don't need to go through the 12 foot gate.

MR. MANS: You don't have to but what about the hazard back and forth back and forth on to the highway?

MR. VAN LEEUWEN: You're not out on--

MR. STENT: You're not out on the highway, are you?

MR. EDSALL: Yes.

MR. MANS: And the other thing is in regard to let me address that door, that door is going to be a brand new door and aesthetically, it will be much better than what they were when I came before you with that plan before, we showed a mansard and we showed, I don't know what we had.

MR. VAN LEEUWEN: Brick fascia, showed a lot of things that is not on there now, you're making a change again.

MR. MANS: What I have said at the time I says we don't have a sketch plan for this but I said we'll guarantee a nice appearance and a nice front. We'll do whatever is--

MR. VAN LEEUWEN: I'd like to see detailed sketches of it because what we have there that doesn't amount to a hill of beans for me.

MR. MANS: Like I said, there's a brand new door going on, all the glass will be all in concurrence, one size and shapes and types, they'll all be the same on the west side of the building and along the entire front, there will be a large window to the left of the entrance door to the service because there will be a

storage area for his C store, then there will be a large window or two there where the two existing bay doors are right now which I agree are terrible looking, you intended, Russo, did you not to go around the building with the same windows.

MR. VOSOUGHI: Yes.

MR. BABCOCK: Mr. Mans, one statement Mr. Mans on the plan, the overhead doors in the back it says overhead door new in the front, it says existing overhead door it's a matter of--

MR. MANS: It's wrong because the new door is going in the front, the two better doors are going to be shifted to the back and they'll be refinished and repainted you're not going to see that.

MR. EDSALL: What we need to have you do is put on the plan what you intend so that there's no misunderstanding.

MR. MANS: It's only new doors in the rear because they were being cut.

MR. EDSALL: New means new, it doesn't mean old repainted.

MR. PETRO: Just have your engineer fix it up the way it's supposed to be.

MR. DUBALDI: I have two questions, number one, I asked my question from before about a dumpster detail, I don't know if you told me there was one and you told me that there was one, I don't see one.

MR. VOSOUGHI: Next to the temporary building.

MR. DUBALDI: How much is it going to be enclosed?

MR. VOSOUGHI: It's not going to be.

MR. VAN LEEUWEN: Got to be enclosed.

MR. EDSALL: We had a long discussion about this at the



workshop, the problem is that the temporary building obviously temporary gives you a clue that it is not meant to stay there, that is for the contamination of the soils on the site, the dumpster location is really temporary and they wanted to use chain link fence, slated or something because they didn't want to build a masonry structure and have to tear it down.

MR. DUBALDI: Where is it going to be located?

MR. EDSALL: Show a temporary location and show permanent, show the masonry that you want, might be a good idea.

MR. DUBALDI: I'm looking for a dumpster enclosure, an enclosure meaning cinder block or something that matches the character of the building that you are modifying.

MR. VOSOUGHI: Because of the temporary building we were limited, it will be shifted to the side of the building.

MR. DUBALDI: You can't do that, you concurrently have parking spots.

MR. VOSOUGHI: It will be right on this side.

MR. DUBALDI: Why can't you build it now?

MR. VOSOUGHI: Because of the access to the parking you can't have access to the parking because this building you won't have access to the parking. We'll put parking spaces alongside here once this building is removed and we would have a dumpster right here.

MR. PETRO: You're going to shift these four spots to the other side, is what you're saying?

MR. DUBALDI: And you're going to put the dumpster up against the building?

MR. BABCOCK: It's a temporary building.

MR. EDSALL: It can't be against the building, you have

to maintain an offset.

MR. VOSOUGHI: It would be an offset but it would be behind the building closer to the building.

MR. VANE LEUWEN: Last but not least, are you going to be able to get the letter from DEC that we can declare negative dec on this, negative declaration? Otherwise, we can't act on it, you realize that?

MR. VOSOUGHI: DEC would be called to the site once the new tanks are going in, they have to approve the site, otherwise they would not allow us to unload the tank there.

MR. VAN LEEUWEN: Sir, we have rules we have to go by, that is what they call positive declaration or a negative declaration, we cannot sit here at this time and give this a negative dec because we know what the problems that are there are, we brought this up to Mr. Mans before. I would pursue that before I go any further because you might run into a block wall and we get to a block wall and you have nothing.

MR. VOSOUGHI: What would you like the letter to say from DEC?

MR. VAN LEEUWEN: That it is, okay, to use that as a gas station.

MR. VOSOUGHI: And there's no contamination.

MR. VOSOUGHI: This is the existing gas station, DEC cannot oppose that site as being a gas station, it was a gas station, it was a gas station. Only objection DEC is going to have if there's contaminated dirt at which point DEC would send a representative when we dig the hole here for a new tank they would check.

MR. VAN LEEUWEN: But we have to know that. We cannot sit here and create a negative dec on that property.

MR. PETRO: Let Andy explain how it's going to work.

MR. KRIEGER: Before the planning board can grant any

approval of the site plan or any site plan amendment, it has to find by law that there is no adverse environmental impact and there is a list of criteria that, a list of things that they have to look into. Not later on, trust us on this, the DEC will look into it sometime later and dig up the dirt and let us know sometime later, no, they have to decide before it is granted. Now, if there is a doubt in their mind about that and I would suggest the existence of this temporary building right here on this map would be enough to create a doubt which would be upheld by a court then they have to issue a positive declaration. If they issue a positive declaration, there's a lot of things that you have to do. I'm not going to sit here and detail all the things that could happen and all the things that you have to do. But that it is that which Mr. Van Leeuwen was referring to and it is a requirement that this board look into this before any approval is granted, not sometime later, not sometime when they dig it up, not later, now.

MR. VOSOUGHI: DEC is aware, is already aware that the ground water is contaminated, remediation plan is already on the way. That is why they are cleaning the ground. This could take two years. It could take them ten years. This remediation plan is going to keep, they are going to continue it until the ground water is clean to DEC's satisfaction. DEC is not going to come out today and say we think in ten years this place is going to be clean. They obviously know it's not.

MR. KRIEGER: And that won't answer the requirement, it is not within the province of the planning board at this point to usurp the DEC's authority here, it is not within their province to tell the DEC what to do or when to do it. All you're being advised is it is a legal requirement of this board that the plan meet the minimum standards required for it to say that it knows that there is no problem.

MR. MANS: I speak to that just a moment. DEC is well aware of what the situation is out there. We have already spoken to DEC. We didn't know that you needed a letter from them but they have already given us the verbal go ahead, in fact, they wanted us to blacktop,

they wanted us to get the operation in process as far as I know and I think anybody else has spoken to him gets that idea, certainly gets the idea they have given us verbal approval.

MR. KRIEGER: If I may, so you say, but you must understand that this board is required to be satisfied on that and your verbal assurances of some conversations that you had are not going to be legally sufficient to allow this board to discharge its responsibilities. Nobody from this board is going to talk to DEC, that is not the responsibility of the members of this board. It's your responsibility.

MR. MANS: Russo did ask the question a while ago.

MR. DUBALDI: Who is lead agency on this project?

MR. PETRO: As of this point, nobody.

MR. EDSALL: The letter went out. Myra, how many responses have we received? I think DOT wanted a plan.

MS. MASON: We sent that.

MR. DUBALDI: First we have to establish who is lead agency on this project and that has not been established.

MR. EDSALL: At this point, you have issued a letter indicating that you care to be lead agency and no one else has, 30 days is up.

MR. PETRO: We can declare ourselves lead agency.

MR. VAN LEEUWEN: Can you sit here and you can declare negative dec on that?

MR. PETRO: Here is what I am going to suggest and Henry's right a hundred percent, we're going to move forward, we're going to review it tonight, probably going to refer you to zoning board, we're not going to hold up the process but in the meantime we're going to need a letter from the DEC stating that at some point in our due process of planning, board approval or

disapproval whatever the case maybe, we're going to declare a positive or negative dec to move forward under SEQRA process and we're going in order to do that we're going to need a letter from them stating that it is, what's the right words, that it is okay with them that we can do so and that the property at this time can be declared either positive or negative dec, we're going to need some information from them to go on.

MR. VOSOUGHI: My question to you is the letter you need from DEC, what would you like to see be mentioned in the letter, not exactly.

MR. VAN LEEUWEN: That you have the okay to take the tanks out, put new tanks in under supervision and that this planning board can sit here and declare a negative dec and vote on it that is what we need.

MR. PETRO: Obviously, we can't declare a positive declaration because then we can't do an approval so we have to have the negative dec.

MR. BABCOCK: Jim, quite honestly, this is your service station that is here, it's an approved service station, it's an existing service station, it's still approved. The reason that I think it's here tonight is because they've changed it to a mini-mart which requires planning board approval to change the use of the building and also the canopy. Right now, if he wanted to just have a service station, he can get a building permit to put in new tanks.

MR. PETRO: I don't dispute that but during our process we're still, someone's going to say I make a motion to declare negative dec.

MR. BABCOCK: But I think what you're looking at is the retail sales and the canopy, the service.

MR. PETRO: But we have to do a negative dec on the site itself no matter what we do.

MR. VAN LEEUWEN: Cause you might be out looking in.

MR. PETRO: Maybe the attorneys could get involved to

give us some form of an okay that we can do that I don't know the answer how to do it and I don't know exactly what we're going to.

MR. VOSOUGHI: I have done this many times, this is the only time this question was put before me to get a letter from the DEC.

MR. KRIEGER: Have you ever done it before on a project where there's been an oil spill and the DEC has erected a temporary building to clean it up?

MR. VOSOUGHI: Yes, because the remediation plan is--

MR. KRIEGER: All those prior times you never had a question with respect to SEQRA?

MR. VOSOUGHI: DEC does not issue letters for a property saying it is clean or is not clean, especially on a property where remediation plan is already in process. Therefore, they already know the soil is contaminated.

MR. VAN LEEUWEN: Mobil just did it, they got a plant in the back of their yard and they got a letter, why can't you get a letter?

MR. VOSOUGHI: If the board was so kind enough to give you me a copy of the letter, I'll get that same letter for you if Mobil got the letter.

MR. VAN LEEUWEN: We couldn't approve it without it.

MR. PETRO: We're not going to belabor any further. Well, we have left it up to you, if you want to get in touch with Mobil to come up with some formula when the time comes, it's going to be a month or two months that we can look at it and say yes, we can declare negative dec and go on with final approval but you have to give us some information.

MR. VAN LEEUWEN: I make a motion to approve.

MR. DUBALDI: Before do you that, there's just two or three minor things I just wanted to touch on before we

send it away to the ZBA. Number one, what's the limit of the paving, is all of this already paved front and back?

MR. VOSOUGHI: No, the front will be paved, the entire front will be paved.

MR. DUBALDI: Where is the line that is going to be delineated between what's front and back is going to be paved?

MR. VOSOUGHI: Whole area is going to be paved.

MR. DUBALDI: The entire area in the front?

MR. VOSOUGHI: In the front and in the back.

MR. DUBALDI: And in the back, I'm sorry?

MR. BABCOCK: Put a note on the plan.

MR. VOSOUGHI: Yes, it would be.

MR. PETRO: I don't see anybody taking notes. You have got to put a note on the plan to that effect, change the garage door in the front to a new overhead door and show us a permanent location for the dumpster, once the temporary is dismantled, and you also have to give us a better rendering of the building than the one that is drawn there, more of an architectural review.

MR. VOSOUGHI: Like what?

MR. PETRO: Some shrubbery, some coloring.

MR. VOSOUGHI: This is stripes along the top.

MR. PETRO: Type of materials, just needs to be more of an architectural rendering than just a facade like that.

MR. EDSALL: Mr. Russo, do you have other facilities where you have used this identical finish?

MR. VOSOUGHI: Yes, I believe so.

MR. EDSALL: Maybe you would be good to bring in some pictures of some facilities where you have used this finish.

MR. DUBALDI: Getting back to the dumpster, what guarantee do we have that this dumpster is actually going to have an enclosure at some point in time?

MR. VAN LEEUWEN: Be a bond, it will be bonded automatically.

MR. VOSOUGHI: We can always build that.

MR. PETRO: It will be taken up at the site plan, it will be bonded. The money will be withheld but he is going to show it on the plan.

MR. DUBALDI: And show enclosure detail.

MR. VOSOUGHI: Yes.

MR. MANS: Is a stockade fence for temporary, it's there temporarily, the building is wood and it would, not that it is going to blend cause you're not going to see it from back but would a stockade fence around that, if you want an enclosure?

MR. PETRO: What type of fence is there, chain link?

MR. MANS: There's going to be chain link.

MR. DUBALDI: That gets to my other comment, what type of fence is going to be put around the exterior of this property? I don't see any fence detail of what's going to be there, how high is the fence going to be, is it going to be two feet?

MR. MANS: Six foot with rebars.

MR. DUBALDI: Can you put something on the plan that says what it is going to be so we know what it is going to be?

MR. EDSALL: I think that was on the original site



plan, we'll make sure that they copy that over onto this.

MR. DUBALDI: About the propane tank, Mike, is that going to be proper protection for a propane tank, there's no protection from the back.

MR. BABCOCK: Yes, the dots, the darker dots, it doesn't come out on everybody's plan, there are ballards in front of it.

MR. DUBALDI: What if something comes through the fence from the back, there's nothing, you don't require any protection in the back?

MR. BABCOCK: I think Bobby Rogers, is there an approval from him?

MR. PETRO: Yes, 6/95.

MR. VAN LEEUWEN: There's one heck of a ditch back there. I make a motion.

MR. DUBALDI: If he says it's okay, it's okay with me then.

MR. MANS: And the most logical answer if you are really looking for a permanent spot for that, would be straight back through the driveway near that propane tank, I don't know what the requirement is.

MR. DUBALDI: Second Mr. Van Leeuwen's motion.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Dutchess Terminal site plan on Route 207. Is there any further discussion from the board members? Mark, just my comment before about the 12 foot gate and access through for the Park and Ride, do you have anything to add or prove me wrong on that or I should not be concerned with it?

MR. EDSALL: I don't think it's a matter of being right or wrong, I think what the board's review of the site plan is indicating that you don't believe that these

two sites should operate as one, that you have got one which is a gas station with sales area and repair and you have got a car parking, Park, Fly and Drive operation and you in your judgment don't believe there should be a 12 foot gate, I don't think it's a matter of being right or wrong, part of the site plan review.

MR. PETRO: I can picture someone pulling into the service area, getting out, getting a ticket cause it's snowing like hell, we'll leave it here, drive it over there and you have got two or three cars backed up over there.

MR. EDSALL: The scenario you are proposing could occur is exactly what you went over on a previous application and the reason you felt that was unsafe is that you would then create a situation where cars would stack and potentially hang out into the state highway which would be very dangerous so--

MR. MANS: Going out into the entrance to Park, Fly and Drive.

MR. EDSALL: You're looking back at a potential or an operation that is unsafe and you believe this 12 foot gate can promote that so I can't disagree with you.

MR. VAN LEEUWEN: I agree with you. Move the question.

MR. EDSALL: It should be noted that the original site plan for Park, Fly and Drive did have a gate but it was a pedestrian type gate for just access to either side of the fence, it was not a vehicle gate.

MR. PETRO: We'll get back to it, I guess, give it some serious thought. Did you have one more thing to add?

MR. KRIEGER: Yeah, I just want to see, make sure that my understanding is correct, this particular parcel is separately described and owned by a different entity than the Park, Fly and Drive parcel?

MR. MANS: That is correct.

MR. KRIEGER: Two different parcels?

MR. MANS: Right.

MR. KRIEGER: Then Mr. Chairman, I would point out if you have an access situation where one distinct parcel is having substantial access to another parcel that there is obviously an intent to use them together and you can't simply consider one without considering the whole thing.

MR. MANS: Let me ask this. What's wrong with the intent to use the gate to have Park, Fly and Drive customers that we might want to service? Why can I not have a gate that goes to my neighbor Pendergast to the right, I mean if it's mutually agreed between Pendergast and myself.

MR. KRIEGER: Before, in this town, before you can use a property for commercial purposes, before you can get a C.O., you have to have site plan approval from the planning board. If you show the planning board a plan which shows that you intend to use as part of the commercial operation for which you were applying some other property, you can't say don't review the other property, even though we obviously intend to use it, only confine your review to this one property because we don't want you to look at the other property, you can't have it both ways. If you intend to use them both then they both must be before the board. If you intend that they be separately used, then they don't have to both be in front of the board.

MR. VOSOUGHI: If I may say something. Earlier you were reviewing a plan, I think it was number 2, the opposite scenario you were trying to achieve to have access from one property to the other property.

MR. EDSALL: Different situation because that is--

MR. VAN LEEUWEN: Let's not open up another can of worms, Mr. Chairman. I move the question.

MR. EDSALL: Just for the record, Jim, this is internal access between two properties. This involved an existing curb cut to the state highway that already

exists and they were attempting to not obstruct something that already exists.

MR. PETRO: Motion has been made and seconded for final approval. Is there any further discussion from the board? If not, roll call m.

ROLL CALL

MR. VAN LEEUWEN	NO
MR. STENT	NO
MR. DUBALDI	NO
MR. PETRO	NO

MR. PETRO: At this time, you have been sent to the zoning board to acquire the necessary variances that you may require once you have received those variances and post them on the plan. We'll put you on the next agenda that is available and you'll appear before this board. Please have the corrections at this board as stated on the plan at that time.

MR. EDSALL: Maybe what we can do to get some business moving on this, I assume because the time has expired you may want to take the position of lead agency now and what I would suggest you do then is we have still got the open issue of this curbing along the state highway, so we don't delay Casey, we should have you assume the position of lead agency and I'd refer this plan to DOT and ask them what the heck you want to do with the curbs.

MR. VAN LEEUWEN: Move for lead agency.

MR. STENT: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency for the Dutchess Terminal on Route 207.

ROLL CALL

MR. VAN LEEUWEN	AYE
MR. STENT	AYE

November 8, 1995

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MR. DUBALDI

AYE

MR. PETRO

AYE

MR. EDSALL: I'll refer that with a letter.

PROJECT I.D. NUMBER

617.21

SEQR

## Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM  
For UNLISTED ACTIONS Only

## PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR <i>C. Mans</i>	2. PROJECT NAME <i>Gas Station Up-grade</i>
3. PROJECT LOCATION: Municipality <i>Town of New Windsor</i> County <i>Orange</i>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <i>South side of State Route 209 opposite entrance to Stewart Field</i>	
5. IS PROPOSED ACTION: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <i>Project will consist of repainting and up grading of existing building, replace existing gas pumps, bury new underground tankage and erect canopy over pump island</i>	
7. AMOUNT OF LAND AFFECTED: Initially <i>0.4 ±</i> acres Ultimately <i>0.4 ±</i> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly <i>need several variances for yard restrictions and signage</i>	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency(s) and permit/approvals <i>Tn. of New Windsor building permit</i>	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency name and permit/approval <i>Has existing highway permit per state construction</i>	
AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: _____ Date: _____	
Signature: _____	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

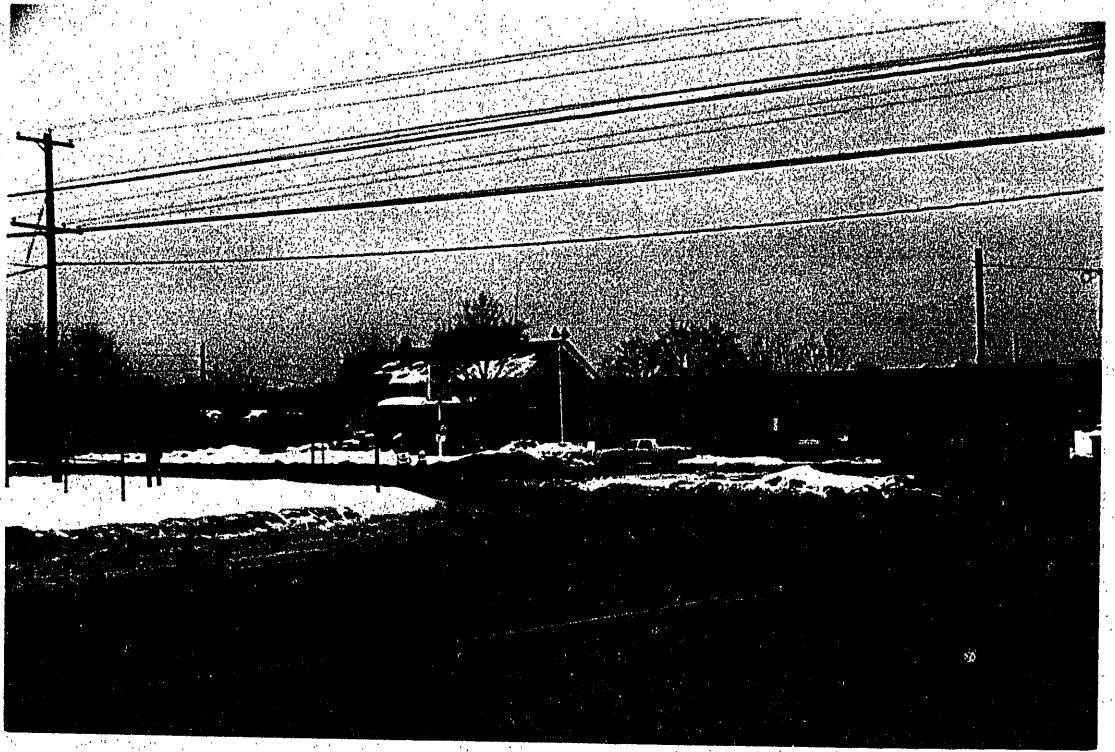
**PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)**

<b>A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 8 NYCRR, PART 817.12?</b> If yes, coordinate the review process and use the FULL EAF. <input type="checkbox"/> Yes <input type="checkbox"/> No
<b>B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 8 NYCRR, PART 817.8?</b> If No, a negative declaration may be superseded by another involved agency. <input type="checkbox"/> Yes <input type="checkbox"/> No
<b>C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING:</b> (Answers may be handwritten, if legible) C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:   C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:   C3. Vegetation or fauna, fish, shellfish or wildlife-species, significant habitats, or threatened or endangered species? Explain briefly:   C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:   C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:   C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:   C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:   
<b>D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No    If Yes, explain briefly

**PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

<input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which <b>MAY</b> occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.	
<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action <b>WILL NOT</b> result in any significant adverse environmental impacts <b>AND</b> provide on attachments as necessary, the reasons supporting this determination:	
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Name of Lead Agency	
<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/>	<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/>
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/>	<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/>
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from responsible officer)
<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/>	
Date	

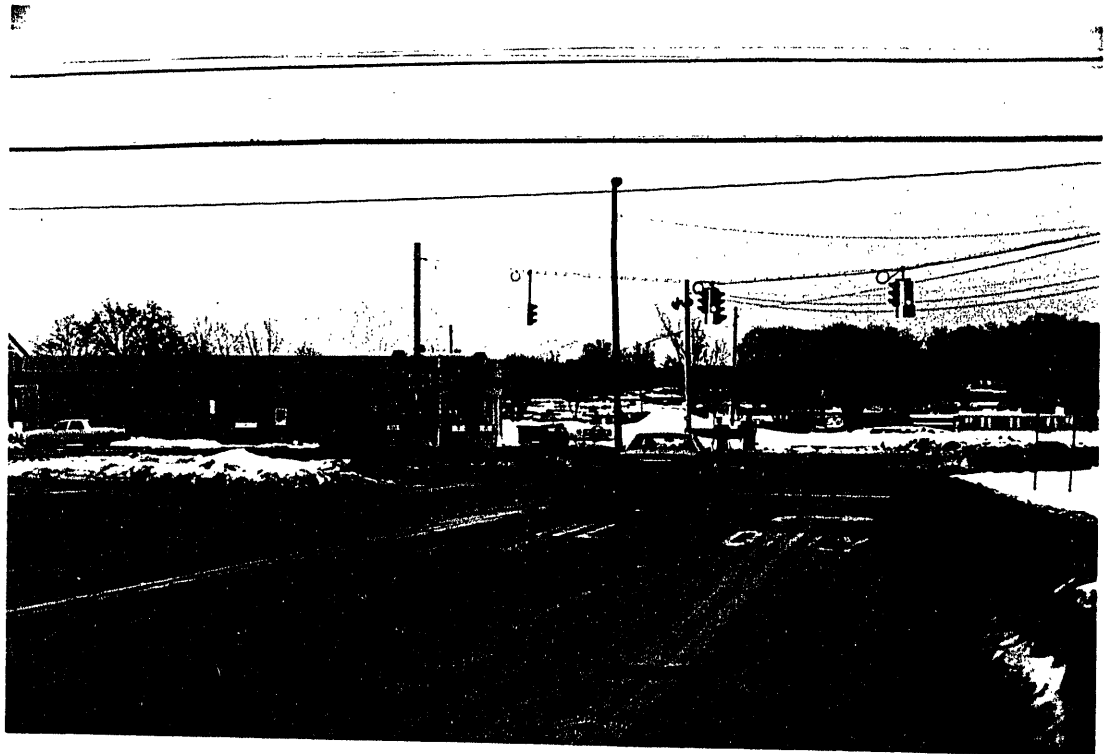


Town of New Windsor - Looking south from Stewart Field entrance  
Building to be up-graded





Town of New Windsor - Looking easterly along Route 207  
Pumps, Pump island, New Canopy and tanks to be done



Town of New Windsor - Looking south from Stewart Field entrance  
Building, pump island to be up graded - new tanks & canopy

Date 3/21/96 1996

# TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

TO Frances Roth 147 Sycamore Dr DR.  
New Windsor NY 12553

DATE			CLAIMED	ALLOWED
3/11/96	Zoning Board Meeting		75 00	
	Misc. - 4			
	Lombardi - 3			
	Nastor - 3			
	Price Chopper - 4			
	<del>Price Chopper - 20</del> 90.00			
	SJS - 2			
	<u>36 pgs</u>		162 00	
			237 00	

~~MR. NUGENT: Request for 4 ft. front yard variance for existing building, 39 ft. front yard variance for canopy, 6 ft. side yard variance, plus 56 s.f. sign area and 4 ft. sign height for free-standing sign for location on south side of Route 207 in NC zone.~~

MR. NUGENT: Request for 4 ft. front yard variance for existing building, 39 ft. front yard variance for canopy, 6 ft. side yard variance, plus 56 s.f. sign area and 4 ft. sign height for free-standing sign for location on south side of Route 207 in NC zone.

James Spratt, P.E. appeared before the board for this proposal request.

MR. SPRATT: I'm Jim Spratt, Consulting Engineer that represents the Dutchess Terminals, Inc. who's anticipating to improve the, what I say is deteriorated gas station on the entrance to Stewart Field. What we expect to do is to completely rehab the exterior of the building. We expect to put a new pump island and pumps at the location, they now exist, and we expect to put over top of that pump island a modern canopy which while afford protection from the weather for the customers. And also that is a betterment in the sense of having fire suppression equipment which will afford fire protection to the gas pumps for the customers. In addition to identifying this station on the east side of the property, we're putting up one freestanding sign to advertise the station. All of the other elements will remain as they exist, the openings on the state highway, the building itself, as far as its location so they are the primary changes that we're requesting.

MR. TORLEY: When you put this up the original tanks were all taken out?

MR. SPRATT: All the original tanks are out and will be replaced.

MR. TORLEY: And the islands are taken out?

MR. SPRATT: Just be rehabbed at that location.

MR. TORLEY: My point is if you are doing all that, why couldn't you set it back to where it was legal?

MR. SPRATT: Well, the problem is we have a circulation problem of having a person at the gas pump on the

inside of the island and still allow--

MR. TORLEY: Move the whole thing back.

MR. NUGENT: They are not taking the building down.

MR. SPRATT: We're not taking the building down, we're rehabbing the exterior of the building only.

MR. BABCOCK: The building, the front of the building is 34 feet off the road, the requirement for this canopy is 40, so you'd have to put the canopy behind the building.

MR. TORLEY: Or get rid of the so-called building.

MR. BABCOCK: That is correct.

MR. TORLEY: I would have been a lot happier if you leveled the whole thing and started all over. I'm serious, the whole thing is basically trashy, why didn't you take it down to ground zero and start over?

MR. SPRATT: We are leasing. You have to ask Casey Mans who owns the building and we're rehabbing what's there. He owns the building and property.

MR. TORLEY: You're the lessee, I gather we have the right proxies and everything for this?

MR. NUGENT: Yes.

MR. TORLEY: You're the agent of Mr. Mans?

MR. SPRATT: Yes.

MR. LANGANKE: That ATI station down the road from this location, did they need variances for their canopy?

MR. BABCOCK: That is correct, they did. I don't think that there's been a canopy installed in the Town of New Windsor without a variance.

MR. KANE: So did the Mobil on 300 and 207.

MR. BABCOCK: The one in Vails Gate needed one.

MR. KANE: The 6 yard side variance, that is because of an existing--

MR. SPRATT: That is the existence of the combination of the easterly yard plus the westerly yard does not meet your requirements.

MR. KANE: Just to clean that up.

MR. BABCOCK: Since he's here for some other ones, just figured we'd put them all in.

MR. REIS: Mike or Sir Engineer?

MR. SPRATT: Jim.

MR. REIS: Jim, was there ever at any time a canopy over these islands?

MR. BABCOCK: No.

MR. SPRATT: No.

MR. BABCOCK: Not to my knowledge.

MR. SPRATT: No, I don't recall.

MR. KANE: We had the same situation with the Mobil on 207 and 300, and it's just the safety feature.

MR. TORLEY: I'm not objecting to that.

MR. KANE: Couldn't move the building either.

MR. TORLEY: That one was worth saving. It's just this one is not.

MR. SPRATT: This is anticipated to be a Citgo Station and the exterior would be refurbished into the buff colors and have new painting schemes, so I think it will blend in very nice, certainly better than what's there today.

MR. KANE: What's the height requirement on the signs, what's the maximum?

MR. BABCOCK: 15 feet.

MR. KANE: Can you explain the four foot difference in the height of the sign?

MR. SPRATT: This is a logo and also to in order to be able to see the sign from the west without having to put another sign to the west so we're really by going up in the air the difference you get total vision of the sign both ways and not need two.

MR. KANE: Would there be any signs on the canopy?

MR. SPRATT: On the logo, three on, one on each corner, which is allowable by your ordinance.

MR. NUGENT: Specific size sign by Citgo, is it one of their signs?

MR. SPRATT: It's a Citgo sign, yes.

MR. LANGANKE: Do they have different alternatives?

MR. SPRATT: Much higher, this is their lowest sign that goes on the twin and the smallest area the other ones are 7 X 7 instead of 5 X 5, this is actually the smallest sign that they have.

MR. TORLEY: You mentioned a twin, they make signs for the single?

MR. SPRATT: Yes, they will.

MR. TORLEY: Are they smaller?

MR. SPRATT: No, no, it's just the nature of how they are constructed.

MR. NUGENT: This is a better installation. How are we getting 56?

MR. BABCOCK: Sign is five foot wide and 12 foot high.

MR. NUGENT: 60.

MR. BABCOCK: Both sides, actually Mark did this so I'm looking at that myself. Well, that would be right, 60 on each side so it would be 120, he's allowed 64. Mr. Chairman, if you remember down in the Mobil Station in Vails Gate, the center section of the sign is the pricing and the board I think Mobil came in with some ideas about the pricing sign would be exempt from the ordinance. I just wanted to bring that to the board's attention. There isn't a gas station in the Town of New Windsor or anyplace that I have ever seen that doesn't have signs up that advertise the price of their gas.

MR. TORLEY: My recollection is we told them no, that does count as part of the sign.

MR. BABCOCK: Well, yes, but we also understood that every gas station does have, he's putting it on his main sign, it's not on Mobil's main sign, it's not on, it's a separate sign.

MR. NUGENT: Yes.

MR. REIS: From your point of view, Mike, just from the town's point of view, what's been submitted this is no more of a variance than we have already granted others in the same situation, basically.

MR. BABCOCK: I don't know. I know that in considering the variance at the Mobil Station, the part of the variance was for the, also the dollar amounts for the gasoline and you go to Hess Station and they have the same thing.

MR. TORLEY: My recollection was the Mobil facility promised were they given that extra sign, they wouldn't put anything else up and I'm not sure that they have fully lived up to that.

MR. LANGANKE: I just think that the board should consider that this is the airport entrance. I like signage but I think that we should be trying to adhere

quite closely to the town's standards, you know, along the airport approaches. Every time we have a commercial building going up there, they are going to be coming in for a variance and this is where we lead to, you know, really haphazard approaches to airports which I think we're trying to avoid here. I think you know we're almost putting these commercial buildings to a higher standard and this is my feeling. I think we should be doing this.

MR. TORLEY: Good point. I have another question. Are you intending to put any advertising between the pumps, you know, billboards?

MR. SPRATT: Just the pump information that is there.

MR. TORLEY: Between the pumps there will be nothing there?

MR. SPRATT: Will there be anything there?

MR. BABCOCK: Between the pumps there has to be the dollar amounts for how much the gas is.

MR. TORLEY: The pumps, fine, no problem but between pump A and pump B, are we going to have sandwich boards in there?

MR. SPRATT: No, because we want people to be moving in there.

MR. KANE: They put them directly on the pumps now.

MR. NUGENT: They put them at Mobil, they've got them.

MR. SPRATT: We have tried to concentrate our only symbol in one location, that is really--

MR. LANGANKE: I think you're coming in, you're asking for a lot of variances on a very unattractive building. I think it's great that you are trying to clean that site up and I think that you are asking us for a lot of leeway here. My concern is again I think we really have to look at the signage closely.



MR. NUGENT: The only thing that I wanted to bring up that is why I questioned Mike, it's a double-faced sign, the one side of it is less than our requirement, one side can't have one sided sign because you won't be able to see from the other direction, they are really not asking for a whole lot.

MR. TORLEY: Yeah, they are, because you're always counting two sided signs.

MR. NUGENT: That is why I asked him whether that was a set sign for Citgo.

MR. SPRATT: Well, if you had one sided signs, we'd have to come in for two signs in two locations, one on each end of the property.

MR. KANE: Town Code only allows one freestanding.

MR. SPRATT: Yes.

MR. BABCOCK: No, that is not correct you can have two freestanding signs as long as you have two entrances which he does and the distance between the signs are minimum of 300 feet so he could, I don't have the scale with me.

MR. SPRATT: I didn't think we have 300 feet, we have 200 and something.

MR. TORLEY: I'd be a lot happier with two little signs and one big one.

MR. KANE: No, actually you're going to get two signs that are basically the same size with a--

MR. BABCOCK: If he puts up two signs, they are going to be bigger, he's allowed 64 square feet each.

MR. TORLEY: Well, that's roughly half of this size.

MR. KANE: No, just one side taken off of it.

MR. BABCOCK: He can put, if he's 300 feet long, there's an additional piece of property that goes with

this lot that makes it quite a bit of frontage on it, I'm not sure but if he's 300 feet long, he can have two signs one on each end.

MR. TORLEY: Each one can be 64 square feet.

MR. BABCOCK: Each.

MR. KANE: What you're seeing is 56 square feet?

MR. SPRATT: No, no.

MR. KANE: That is additional, it's 60 square foot now and on the one side as you have you, I have the--

MR. TORLEY: If he puts up two signs, if they are each double-sided sign.

MR. NUGENT: It won't be.

MR. KRIEGER: One double sided sign is a total of 128 square feet. If you accept it and made them two signs, it would be 128 square feet between the two of them.

MR. TORLEY: But then you clearly could live with being down with the height variance, you wouldn't need the height variance.

MR. SPRATT: Yes, you know we can live with the height variance with the sign, it's just that it kills us a little bit looking this way four feet, I don't know if four feet--

MR. LANGANKE: Who determined that that height was necessary?

MR. SPRATT: Well, just from looking at the site and doing some--

MR. LANGANKE: Eyeballing?

MR. SPRATT: Yeah.

MR. LANGANKE: Whose eyeball?

MR. SPRATT: My eyeball.

MR. KRIEGER: Now the sign height the town ordinance is to the top of the sign?

MR. BABCOCK: That is correct.

MR. KRIEGER: Is there any requirement as far as the bottom of the sign is concerned from the ground?

MR. BABCOCK: No.

MR. TORLEY: This sign would be placed so that it would not obstruct the vision of anybody entering or leaving?

MR. SPRATT: No, it's up some seven feet high which you're down around 44 inches when you're--

MR. TORLEY: If you have the same pattern, it's going to be three feet off the ground.

MR. SPRATT: Yes but you're setback to bring it back whereas you can see here's the curbing, your vehicle will be way out here and your signs back here.

MR. BABCOCK: From the edge of payment it's about 29 feet back.

MR. NUGENT: I don't know about you guys, I'd rather see one sign than two.

MR. KANE: Be a lot more cluttered.

MR. LANGANKE: Well, I don't know about the height.

MR. TORLEY: I'll go with the one sign area but not the height.

MR. KANE: I agree. Can we open it up to the public at this point and get some viewpoints?

MR. NUGENT: Sure. At this time, I'd like to open it up to the public. Please keep your comments brief and try not to be repetitious. Anybody like to speak?

MR. LESTER CLARK: Lester A. Clark, I live in Tompkins Cove. I have a business at 614 Little Britain Road, Stewart Mall, and I'm the owner of Silver Stream Mobile Home Park. And in all deference to Mr. Mans, I saw an application in the mail a couple days ago signed Casey Mans looking for a variance. I'm not looking to rehash all the horrible things that happened, I made some notes on the back of a ten million dollar summons I got in the mail where I'm now named as a defendant in the oil spill operations which class action which of course the attorneys sue many people when they are involved, whether they are involved or not. My experience in Casey Mans, however, has not been one to imply any trust. My first major go around was when he converted a stream behind his property and ran it into Silver Stream. I spent \$10,000 in legal bills to cure \$5,000 worth of damage. And the stipulation that was entered into, he hasn't completed, hasn't done the riprapping on his side of the stream. So whatever representations that he makes, even before judges, I haven't found that they have had a lot of veracity. It's my understanding and normally one goes to the ZBA when they have a hardship. I don't know exactly what the hardship is here. He has, as this gentleman pointed out in the corner of your board, he has room to go back another 300 feet with this service station, certainly another 40 or 50. We're concerned about our entrance road, which is known as Bivona Lane which I call Silver Stream, which is already a dangerous entrance with over 300 people living in Silver Stream Mobile Home Park buildings with awnings and signs and more commercial aspects are concerning me. Certainly not going to enhance our safety at this point. In addition, we have an innate problem there with children boarding the buses which they are compelled to do out on 207. When Mr. Mans was seeking approvals for the parking area, he declined the request of some of the tenants to possibly provide an area in front of the old brown house they call it, might be 30 or 40 children might be boarding the bus, the buses don't feel that it is within their scope to come within the park which they'd be welcome to do. I'm suspect, I don't see why he needs a variance and I can't have any real empathy towards the whole project, other than we know it's an unsightly thing but I think if we can accommodate it within the

strict requirements of the building code and if so, I would like to see Mr. Mans adhere to that. Thank you.

MR. NUGENT: Is there anyone else?

MR. CRAIG PAISEY (PHONETIC): Craig Paisey, I own the BP Food Mart just down the road from Casey Mans' property, used to be the ATI Insta-Mart. Two years ago, I was the one that turned in the water problem from Casey Mans' property leaking gasoline into the water supply and if it wasn't for me calling and getting the DEC involved in it, our water supply today it would still probably be contaminated. It still is but nothing would have been done about it. I don't feel satisfied that that property has been cleaned up property yet and I think it should be totally cleaned up before they even consider putting another gasoline station in there. My water my MTBE, which is an additive to the gasoline is still running as high as 80 thousand parts per million. The acceptable is 50. So I mean whatever you can do to stop him from causing what he already has caused health problems. I drink about 15 cups of coffee a day and I drank that water and what's going to happen to me ten years. I have already had cancer once in my life, I don't want to get it again. This guy is trouble. He's ducked out of, he's not paid anything in the clean-up costs. He ducked out of it somehow. Now all of a sudden, he's trying to build another gas station. I would adhere to every law and ordinance in as strict as you possibly can because he's already damaged a lot of lives and I'd hate to see him damage more. He's right in saying about the kids, it's very busy at my station. I let the parents park in my station so that their kids are being watched. But his property, they are always kicking them off and telling them to get lost and you know nobody over there cares for the kids and it is a problem and the police are out there every day. And they watch the cars go passed the buses and stuff, it's a very dangerous intersection and I try to run a legitimate business and I don't need a business like his pulling that down. I mean, I keep a clean shop and I work really hard at it and you know what it looks like now. And two, three years after this is all said and done and it's built, it's going to look like it

does today because nobody's going to be responsible enough, especially if Casey Mans is involved. That is all I have got to say.

MR. NUGENT: Thank you.

MS. ADRIAN PETRIES (PHONETIC): I'm Adrian Petries and I'm a resident of Silver Stream Village and I agree with Mr. Clark and Craig. I have been a resident there 12 years and in 12 years, Mr. Mans has lived up to hardly any of his promises. At one of your board meetings, he was requested to put the landscape plantings around the chain link fence that is there now which I'd like to know is that still going to be the Park and Fly or what he is doing? And he laughed at you and he told you he was going to put random natural plantings there. My family's in the landscaping business and that is the best description for weeds I have ever heard. That is exactly what he did. There's natural random plantings around there and Mr. Mans is aware of the fact we have 15 buses that come to that stop. The Town of New Windsor Police gave me the readout because we tried to get the bus stop changed and the rest of the village at the time they gave me the readout, you had 9 tickets that were issued for buses being passed by traffic in that particular area, you had 19 to, 19 to 20, you had the big freight liners that pass the buses, you had cars that pass those buses. I have cars right now that when the buses stop picking the kids up, pull into the vacant lot now of that gas station, cut around it and keep right on going. If it hadn't been for the parents to grab our kids back, we would have lost our kids. And he's right, he's got tenants in the brown house when we had a national emergency and it was a blizzard and our kids were waiting off the road at the bottom of the drive, they came out and kicked all the kids out, said get out, get out. One of the parents went up the next day, the tenants sent her husband and herself out. We have had to deal with Mr. Mans having livestock in the back of the house. I know he's hard up for money but he's growing his own Thanksgiving turkey back there. His one time his tenants put trash out there. My son said mom, look at the cat. It wasn't a cat, we had a rat walking into the trailer park. This house, this house

has never improved in its appearance in the 12 years that I have lived there. It has never improved. This gas station he's knocked out the two bay doors and it's completely fenced in and it was supposed to be a Park and Fly, he came in and he got a permit to burn because I called to find out what he was doing and he had let two gentlemen in there accelerants, they had 30 foot flames in the air. The smoke alarms are going off at Mount St. Joseph. He said I had a permit to burn. You know, he comes in and says a really good story. We're going to put a gas station, we're going to do this and that. He has yet to improve it and this is one of the most important parcels of land in the Town of New Windsor. It's the main entrance to Stewart Field. Please don't give this man a variance. I mean I think one of you had the right idea, take the building down. Please take it down and do something that is classy there cause that is a heck of a thing to see when you're coming off the airport and heck of a thing to have as a neighbor. Thank you.

MR. NUGENT: Thank you. Anybody else like to speak? At this time, I'm going to close the public hearing and open it back up to the board. Our attorney would like to make a comment.

MR. KRIEGER: For clarification purposes, Mr. Mans apparently owns property next door to it, the Park Fly and Drive, the property next door to it that has been referred to as the brown house, for lack of a better term. I doubt whether there's too much that could be said that would make you aware of the problems with respect to Mr. Mans than you are already aware. However, the zoning board's task in this case is a very narrow one. It has only to do with the gas station. It has only to do with the variances that are required. Regardless of what you do, it is not within your power at this hearing to do anything with respect to the Park Fly and Drive or with respect to the brown house or whatever. It's narrowly limited to this particular application. Further, and this is for the information of the public as well, regardless of what the decision is here by this board with respect to these applications, before a gas station can go in there, they have to get site plan approval and special permit

approval from the Town of New Windsor Planning Board, all of these questions with respect to how shall I say the larger questions will be gone into and I have reason to believe that it would be gone into in some detail. So regardless of the action this board takes, it isn't as if this applicant is going to say thank you very much and tomorrow they are going to start acting on those variances. It can't be done until the site plan approval is granted, until a special permit is granted by the planning board so they've got some steps to go to after this regardless.

MR. NUGENT: Anymore questions by the board?

MR. LANGANKE: I'm having a problem with the safety aspects of this also in granting this variance on the frontage, it just seems like we're crowding a really busy highway at a really busy point and I don't think anybody here would say that well, we're improving the safety by granting these variances.

MR. NUGENT: I would just like to say something about that. I looked over every one of these variances that he is asking for and with the exception of the sign which is larger than we allow, the rest of them are for a pre-existing structure. There's really nothing, he can leave that building there as is and not do a thing about it. What he is doing in this particular case and I agree with you on all these other people's comments is that he's cleaning it up legally basically that is all he's doing, I mean the four foot front yard that building is there and the six foot side yard that building is there.

MR. TORLEY: How old is the building?

MR. BABCOCK: Mr. Chairman, one other thing I'd just like to add is that he doesn't need anything except a building permit to open up a gas station there. The only reason it's an existing gas station and it continued to be a gas station, the reason that they are in front of the planning board is because it's going to be a sales area within the gas station, like a little mini-mart, some cigarettes and whatever he didn't have that type of approval before. He only sold oil and



windshield wiper fluid or whatever, that is the reason he's in front of the planning board.

MR. NUGENT: That is not even in our consideration.

MR. BABCOCK: I'm just saying right now if he wants to get a building permit tomorrow to put in the gas station and the pumps, he can go in operation as a gas station tomorrow morning without any approvals.

MR. TORLEY: Has the special permit expired?

MR. BABCOCK: No.

MR. TORLEY: They don't expire?

MR. BABCOCK: No. He's here because--

MR. KRIEGER: It is subject to, there's a general rule it is subject to planning board review and if he had done something, even if the special permit is still good, if he had done something to violate the special permit, it may be withdrawn.

MR. TORLEY: I would think that perhaps contaminating well water might come under that Andy.

MR. KRIEGER: There are some serious environmental concerns which I know will occupy the planning board. Let me simply say too with respect to the six foot side yard, and that is to my understanding, Mr. Mans owns the property on either side so he could by means of a lot line change why he couldn't give this particular property such area as is necessary to eliminate the need for a side yard variance I think is a valid area of inquiry.

MR. SPRATT: Just as a point, I believe he has from the people's comments there, he has put all three properties in different corporations so really he's in each of them but each of them are not the same owners so that you are really, I believe there's a problem there because this came up with the Park and Drive came in or Park and Fly, we're leasing, trying to improve this spot and I appreciate what everybody says about

Mr. Mans but we're not Mr. Mans, we're coming in here to try to improve this site and we have a lease to improve it and I just want to make sure that you're talking about two different people as far as I am concerned you're talking about Casey Mans and Jim Spratt and my client.

MR. BABCOCK: Mr. Chairman, one thing about the front yard and side yard variance, I think that they can probably argue that they are pre-existing non-conforming situations. It's the policy of my department with Mark that while somebody's here as at the zoning board for a sign or whatever they are here for, we take and put all these down so that they are covered just to clean up the paperwork from what happened in 1950.

MR. TORLEY: That is a good idea but sir, I have one question, if Citgo was flat out purchasing the land therefore taking responsibility for everything, I'd be a lot more comfortable. You're there as a lessee, would have less than total control over the property and I'm most concerned about the past actions and again I see no reason I would again start from scratch.

MR. SPRATT: Let the lessee just say as far as your lease is pretty binding on your behalf that Mr. Mans isn't into it.

MR. VESUVIO: (phonetic) My name is Vesuvio, I am President of Dutchess Terminals, we only lease a portion of the property, not the entire property. Whatever my feeling is Mr. Mans isn't very well liked in the town, I guess but that should have no bearing on me, we're only leasing the front portion of the property and the only thing we would do to the property is to make it look better than what it is obviously as everybody knows the place is an eyesore as it is. As far as the station itself, we can build the station tomorrow, we do not need any permit to have a station at the site. We're here for the sign and for the canopy variance only. The environmental problem, whatever is there is going to be there, it would have nothing to do with me. We're planning to install state of the art tank monitoring system and pumps. Whatever

existing environmental problem is there is going to be there for the next hundred years with me putting a gas station there, it's not going to change anything, it's going to be the same. We have a lease for the property for the next 20 years from the day we start construction. After that, what Mr. Mans does will be his business. Before that, what he does, what he did was his business. We're only here for the one half of the property for the next 20 years.

MR. NUGENT: Thank you.

MR. LANGANKE: Speaking for myself, I can divorce my feelings from Mr. Mans or anybody else. My primary concern was for the appearance of signage on that entire route and also the safety aspects of this road of this gas station crowding a very busy intersection. So they were my two concerns, just the safety aspect and the signage appearance.

MR. SPRATT: Are you aware that the access entrance barriers were put up by New York State? This was not a private, after they established the quote safety that you are dealing with here?

MR. NUGENT: Any further questions?

MR. KANE: No.

MR. REIS: If they approach this without coming to the, without the necessity of a variance for these signs, they could legally put up a 60 foot sign on each east and west ingress egress, so they are condensing the signage into one sign to avoid that which is a plus. They have, they need to go up a certain height so you have site distance over the canopy so when you're coming from the west going east, you can see this thing coming from that direction. If it were lower, it wouldn't affect sight distance, would it, if it was lower?

MR. SPRATT: Well, it sets back enough so you would not block somebody going out.

MR. REIS: The fact that it is going up higher of the

God bless the kids that are just a hundred, couple hundred feet to the east of this sign, so it is not going to affect the safety of anybody. The fact that they can open up a business there tomorrow to do business without these variances like the gentleman said they want to improve the property, it's not going to be a negative, it's going to be a positive. I empathize with the neighbors there, the guy has not lived up to what he has, I guess what he has originally supposed to have done and has caused a lot of stress and pain and suffering but in due respect to where they are right now, it seems like a legitimate thing to work with.

MR. TORLEY: Mr. Chairman, if you are willing to accept motions, I'd like to take them separately. The area variances is one block, the sign height as a block and sign area as a block.

MR. NUGENT: Fine, I'll accept a motion.

MR. KANE: Second the motion.

MR. TORLEY: I'll make the affirmative motions number one being for the area variances, number two being for sign area and number three being for sign height.

MR. KANE: Second the motions.

MR. NUGENT: Motion number one roll call.

MR. TORLEY: Motion one is all the lot area.

MR. KANE: Let's just take each individual thing and vote on it so the first one would be for the four foot front yard variance.

MR. BABCOCK: That is for the existing building?

MR. TORLEY: Four foot front yard variance, that is number.

ROLL CALL

MR. LANGANKE                      AYE

March 11, 1996

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MR. TORLEY	NO
MR. KANE	AYE
MR. REIS	AYE
MR. NUGENT	AYE

MR. TORLEY: Number 2 would be for the 39 foot front yard variance for the canopy.

ROLL CALL

MR. LANGANKE	AYE
MR. TORLEY	NO
MR. KANE	AYE
MR. REIS	AYE
MR. NUGENT	AYE

MR. TORLEY: Number 3 would be for the 6 foot side yard variance.

MR. REIS: For the existing building.

MR. BABCOCK: That is correct.

ROLL CALL

MR. LANGANKE	NO
MR. TORLEY	NO
MR. KANE	AYE
MR. REIS	AYE
MR. NUGENT	AYE

MR. TORLEY: Next one is 56 square foot sign area variance.

ROLL CALL

MR. LANGANKE	AYE
MR. TORLEY	NO
MR. KANE	AYE
MR. REIS	AYE
MR. NUGENT	AYE

MR. TORLEY: Next variance is the 4 foot sign height.

ROLL CALL

March 11, 1996

32

MR. LANGANKE	NO
MR. TORLEY	NO
MR. KANE	NO
MR. REIS	AYE
MR. NUGENT	NO

MR. SPRATT: Thank you very much.

**PUBLIC NOTICE OF HEARING BEFORE**

**ZONING BOARD OF APPEALS**

**TOWN OF NEW WINDSOR**

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 66

Request of C. Mans Dutchess Terminals

for a VARIANCE of the Zoning Local Law to permit:

Existing building with insufficient front yard; construction of canopy with insufficient front yard, sideyard and more than allowed height; plus a free standing sign with more than the allowable size and height;

being a VARIANCE of Section 48-12 - Table of Use/Bulk Regulations, Columns E, F, I, and Section 48-18 of the Supplemental Sign Regulations.

for property situated as follows:

South side of State Route 207, opposite Stewart International Airport gate, New Windsor, NY 12553

known as tax lot Section 33 Block 1 Lot 7

SAID HEARING will take place on the 11 th day of March, 1996, at New Windsor Town Hall, 555 Union Avenue, New Windsor, New York, beginning at 7:30 o'clock P.M.

*James Nugent*  
Chairman

Date 2/26/98, 19.....

# TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

TO Frances R. 147 Sycamore Dr DR.  
New Windsor NY 12553

DATE			CLAIMED	ALLOWED
2/5/98	Zoning Board Meeting		7500	
	Misc - 2			
	VGB - 5			
	Schumacher - 5			
	<del>man 5 - 6</del> \$27.00			
	Wal-Mart - 6			
	Abbott - 3			
	Petro Metal 5 - 19			
	Kim - 3			
	Price Chapter - 4			
	<u>53 pgs</u>		238 50	
			313 50	



MANS, C.P./DUTCHESS TERMINALS

MR. NUGENT: Referred by Planning Board. Request for 4 ft. front yard variance for existing building, 39 ft. front yard variance and 6 ft. side yard variance and possible height variance for canopy, plus 56 square feet area variance and 4 ft. height variance for proposed freestanding sign on Route 207 in an NC zone.

James Spratt, P.E. appeared before the board for this proposal.

MR. SPRATT: Jim Spratt, consulting engineer for Dutchess Terminals and we have been in the process with the planning board to upgrade the gas station at the south side of Route 207 at the Stewart Field entrance. Tonight, we're coming before you for a request for variances to upgrade the station. There is no physical building variance, it's the erection of a canopy over the existing pump island area which would be in the front of the building. The sign is a freestanding sign, it's a type that is predicated on Citgo standards. This happens to be the smaller of what's available, there's a much larger one, but this is the smallest that comes out in this type that is to be located on the east side of the parcel, the side yard clearance is because there's an existing side yard deficit. In other words, the building and the property line does not allow the 15 foot on one side, therefore we're asking for that variance which is really a pre-existing, if you might say, we're not going to the building, we're not going to change that dimension in this submission. Primarily, it is a new canopy of the gas pumps and the erection of a sign which exceeds, double faced, internally lighted, that exceeds the minimum requirements for the zone. I have some, I can just pass these around so you can get some indication of what the looks of the building will be improved to and how the canopy will be structured.

MR. KANE: Mike, what's the possible height variance on the canopy? Do you have a, do you have figures on that?

MS. SPRATT: It's 17.

MR. BABCOCK: 17 feet.

MR. TORLEY: How far back from the road is the edge of the canopy?

MR. SPRATT: Well, from the state property line is the one foot but from the road, it's some 19 feet.

MR. TORLEY: But one of the plans for Stewart called for widening of the road, did it not?

MR. SPRATT: I believe so, I have not seen that plan, I have asked for it, but I have not seen it.

MR. TORLEY: So you might wind up if they widen it to their property line, if they might wind up with canopies one foot from the pavement strip.

MR. SPRATT: In order for them to widen, there's certain elements in the highway they have to take into account, the traveled way, either a passing lane and then some dimension to put either curbing or something else in, I don't think they ever have a travel lane up to what they own. They would probably move, this is their mall, they put these in quite a few years ago, they may move back to the property line but I can never conceive of a car being right on the property line on the state highway. And if they do anything further, they'd have to buy and readjust the station accordingly, I mean this is--

MR. TORLEY: Seeing the stack out there, I gather you're decontaminating the soil that is there now?

MR. SPRATT: Well, they are venting this soil, I guess is a better word for it.

MR. TORLEY: Now--

MR. SPRATT: That is back in this area.

MR. TORLEY: You're replacing the underground tanks and all that?

MR. SPRATT: They have been all taken out but we'll be putting new ones in.

MR. TORLEY: Why don't you just move the gas pumps back a few feet, give them more clearance?

MR. SPRATT: Then we have trouble with getting--

MR. TORLEY: Why can't the canopy join the main building?

MR. SPRATT: Well, you still need distance between the pumps and the building for circulation and you'd need a parked vehicle and a passing lane between the pumps and the building. So you can't really move the pumps back any further than they are to the building.

MR. TORLEY: You're required to have a passing lane?

MR. SPRATT: Well, you can't, this is anticipated to be both a gas station and a convenience type of store so you are going to have people that are going to come in and park and go in the stores. That may not be getting gas, so you may have a person parked for gas and still somebody to come in and park, so you have to have some clearance.

MR. LANGANKE: Is this comparable to the next gas station down the road?

MR. SPRATT: Well, generically comparable.

MR. LANGANKE: He's got the same dimensions and looks.

MR. SPRATT: Well, he has a double pump island, this is only a single pump island he has.

MR. LANGANKE: He's as close to the highway as you'll probably be, am I right?

MR. SPRATT: You're talking two different things, I don't think either one of us are any closer to the boundary, I mean that is the boundary, how far he is to the pavement, I don't know but we're some 20 foot away from the pavement.

MR. REIS: Looking at the existing pump island, are you going to stay in that same position, correct?

MR. SPRATT: Relatively, they'll be bigger as we upgrade it to put the foundations in but primarily they'll be at the same site. We don't have that luxury of space between the existing building and what we're limited by and of course, we'd like to upgrade it and get it in better condition than it is today.

MR. LANGANKE: If they were to widen that highway, I would think that they'd widen it on the other side where there were no buildings, no establishments.

MR. SPRATT: That is a shooting crap, I mean but it is more logical because if they come this way, they would have to look at the point of putting a business out of business and paying for it accordingly versus going over the way that they have.

MR. LANGANKE: So what I am saying it would certainly help your position.

MR. SPRATT: Oh, yes, yes we're pretty confident that we'd be still in business, it's just not that question.

MR. NUGENT: Why do we have a 56 foot area variance?

MR. SPRATT: Well, that is because the actual sign size here is some 12 foot by 5 foot and two sides come up above you and that is the smallest freestanding sign that we have.

MR. KANE: That is a sign area variance?

MR. SPRATT: Oh, this is a sign area variance, I'm sorry, it's the area variance for the sign.

MR. TORLEY: What are you going to have on the canopy? Are you going to need sign variances for that?

MR. SPRATT: You're allowed the logo and striping that is shown, I believe they are, Mike, aren't they allowable, I think the logo plus is within your

ordinance?

MR. BABCOCK: Yes.

MR. NUGENT: Any further questions?

MR. KANE: Will you entertain a motion?

MR. NUGETN: Yes.

MR. KANE: I move that we set up C.P. Mans/Dutchess Terminals for a public hearing for the requested variances.

MR. REIS: Second it.

ROLL CALL

MR. REIS AYE

MR. KANE AYE

MR. LANGANKE AYE

MR. TORLEY AYE

MR. NUGENT AYE

MR. SPRATT: Thank you.

MR. KRIEGER: These are the criteria that the state requires be addressed by the Zoning Board of Appeals at the public hearing. If you would address yourself to those criteria, that would be helpful. Also, I would like to see at the hearing a copy, I would like to see a copy of the deed and title policy. I do not need to keep these items but I do want to see them.

MR. SPRATT: Fine, yes, will do, thank you very much.

MS. BARNHART: We already have a copy of the deed.

MR. SPRATT: Okay, it's a title I need.

MR. KRIEGER: Pat, do we have a proxy in the file for the case for Dutchess Terminals? Anybody who's applying who's not the owner of the property we need to have a proxy signed.

February 5, 1996

17

MR. SPRATT: Okay.

MR. KRIEGER: It's a simple matter, see Pat.

MR. SPRATT: Okay. The owner's here.

MR. KRIEGER: Just housekeeping. My only concern is when Mr. Spratt stands up and says he represents somebody else that you need, it needs to be on the record as long as it's on the record, that is fine. This particular owner, I never know, being that he is physically here, I'm to assume that means that.

MR. TORLEY: We understand.

562-6191

P R O X Y   A F F I D A V I T

SUBMISSION OF APPLICATION FOR VARIANCE # 95-66

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE )

\_\_\_\_\_, deposes and says:  
I am the OWNER of a certain parcel of land within the TOWN OF NEW  
WINDSOR designated as tax map SECTION \_\_\_\_\_ BLOCK \_\_\_\_\_  
LOT \_\_\_\_\_. I HEREBY AUTHORIZE \_\_\_\_\_  
of \_\_\_\_\_ (company name) to make an  
application before the ZONING BOARD OF APPEALS as described in  
the within application.

Dated: \_\_\_\_\_.

\_\_\_\_\_  
(Signature of Owner)

Sworn to before me this

\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Notary Public

(ZBA DISK#1-060895.PXY)

OFFICE OF THE PLANNING BOARD - TOWN OF NEW WINDSOR  
ORANGE COUNTY, NY

(Revised)

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

PLANNING BOARD FILE NUMBER: 95-25

DATE: 6 DEC 95

APPLICANT: Dutchess Terminals

REVISED 17 JAN 96

256 North Road

C.P. Mans. (owner)

REVISED 22 JAN 96

Poughkeepsie, N.Y. 12601

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED \_\_\_\_\_

FOR (~~SUBDIVISION~~) - SITE PLAN \_\_\_\_\_

LOCATED AT South side Route 207

ZONE \_\_\_\_\_

DESCRIPTION OF EXISTING SITE: SEC: 33 BLOCK: 1 LOT: 9

IS DISAPPROVED ON THE FOLLOWING GROUNDS: FRONT YARD.

SETBACK VARIANCE FOR PROPOSED CANOPY.

(40 FT REQ'D, 1 FT PROPOSED 39 FT VARIANCE).

HEIGHT VARIANCE POSSIBLY REQUIRED FOR CANOPY.

FREE  
STANDING SIGN VARIANCES -

HEIGHT - 4 FT.

AREA - 56 SQ. FT.

MICHAEL J. EDGALL P.E. & L.

MICHAEL BABCOCK,  
BUILDING INSPECTOR



REQUIREMENTSPROPOSED OR  
AVAILABLEVARIANCE  
REQUEST

ZONE	USE			
MIN. LOT AREA	15,000 SF	17,067		
MIN. LOT WIDTH	125 FT	150		
REQ'D FRONT YD. (Building)	40 FT	36 FT	4 FT *	
FRONT YD. (CANOPY)	40 FT	1 FT	39 FT *	
REQ'D SIDE YD.	15 FT	9 FT	6 FT *	
REQ'D TOTAL SIDE YD.	30 FT	42 FT		
REQ'D REAR YD.	15 FT	6 FT		
REQ'D FRONTAGE	N/A	N/A		
MAX. BLDG. HT.	23 FT	17 FT		
FLOOR AREA RATIO	0.5 FT	0.13		
MIN. LIVABLE AREA	N/A	N/A		
DEV. COVERAGE	N/A %	N/A %		
O/S PARKING SPACES	13 SPACES	13		

\* Possible pre-existing non-conforming  
APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT:  
(914-563-4630) TO MAKE AN APPOINTMENT WITH THE ZONING BOARD  
OF APPEALS.

CC: Z.B.A., APPLICANT, P.B. ENGINEER, P.B. FILE

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE  
THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE

PRINT OR TYPE: BLACK INK ONLY

CLARENCE P. MANS

TO  
PETROL AT THE GATE, INC.

SECTION 33 BLOCK 1 LOT 6 & 7

RECORD AND RETURN TO:  
(Name and Address)

*C. P. Mans  
PO Box 247  
Vails Gate, NY 12584*

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH  
RECORDED INSTRUMENT ONLY.

DO NOT WRITE BELOW THIS LINE

CONTROL NO. 52023 DATE 2-8-94 AFFIDAVIT FILED 19

INSTRUMENT TYPE: DEED ☒ MORTGAGE ☐ SATISFACTION ☐ ASSIGNMENT ☐ OTHER ☐

BG20 Blooming Grove  
CH22 Chester  
CO24 Cornwall  
CR26 Crawford  
DP28 Deerpark  
GO30 Goshen  
GR32 Greenville  
HA34 Hamptonburgh  
HI36 Highlands  
MK38 Minisink  
ME40 Monroe  
MY42 Montgomery  
MH44 Mount Hope  
NT46 Newburgh (T)  
NW48 New Windsor  
TU50 Tuxedo  
WL52 Wallkill  
WK54 Warwick  
WA56 Wawayanda  
WO58 Woodbury  
MN09 Middletown  
NC11 Newburgh  
PJ13 Port Jervis  
9999 Hold

SERIAL NO. \_\_\_\_\_

Mortgage Amount \$ \_\_\_\_\_

Exempt Yes ☐ No ☐

3-6 Cooking Units Yes ☐ No ☐

Received Tax on above Mortgage

Basic \$ \_\_\_\_\_

MTA \$ \_\_\_\_\_

Spec. Add. \$ \_\_\_\_\_

TOTAL \$ \_\_\_\_\_

CHECK ☐ CASH ☒ CHARGE ☐

MORTGAGE TAX \$ EXEMPT

TRANSFER TAX \$ \_\_\_\_\_

ED. FUND \$ 5.00

RECORD. FEE \$ 14-

REPORT FORMS \$ 30-

CERT. COPIES \$ \_\_\_\_\_

MARION S. MURPHY  
Orange County Clerk

by: \_\_\_\_\_

ORANGE COUNTY CLERK'S OFFICE S.S.

Recorded on FEB 9 1994  
at 1:55 O'Clock P M.  
in Liber/Film 3988 Deed  
at page 131 and examined.

*Jean A. Hackett*  
County Clerk

*Betty Mans*  
RECEIVED  
EXEMPT  
REAL ESTATE  
FEB 9 1994  
TRANSFER TAX  
ORANGE COUNTY

LIBER 3988 PAGE 131

ORG 02/09/94 01:55:36 6148 44.00

\*\*\*\*\* EDUCATION FUND: 5.00 \*\*\*\*\*

DEED CONTROL NO: 52023 .00 \*

\*\*\*\*\* SERIAL NUMBER: 004597 \*\*\*\*\*

**CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.**

**THIS INDENTURE**, made the 8th day of February, nineteen hundred and ninety four  
**BETWEEN** CLARENCE P. MANS, residing at P.O. Box 247, Vails Gate, New York

party of the first part, and

PETROL AT THE GATE, INC., a domestic corporation  
maintaining an office at P.O. Box 247, Vails Gate, New York

party of the second part,

**WITNESSETH**, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

**ALL** that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the

Town of New Windsor, County of Orange and State of New York, being more particularly bounded and described as follows:

BEGINNING at a point on the southerly bounds of Route #207 leading from Newburgh to Little Britain, said point being North 63 degrees 44 minutes East 167.6 feet from the northeast corner of lands now or formerly of Vincent Bivona, Sr., and runs thence through lands now or formerly of Andrew Bivona South 24 degrees 44 minutes West 121.8 feet to a point; thence through the same North 63 degrees 44 minutes West 106.00 feet to a point in the line of the house lot of said Andrew Bivona; thence along said lot North 13 degrees 12 minutes East 125.00 feet a point on the southwesterly bounds of the aforementioned State Road; thence along the southerly bounds of said State Road South 63 degrees 44 minutes East 131.00 feet to the point or place of BEGINNING.

ALSO all that lot, piece or parcel of land, situate, lying and being in the Town of New Windsor, County of Orange and State of New York, being more particularly bounded and described as follows:

BEGINNING at a point on the southerly line of Little Britain Road (New York State Route #207) at the northwesterly corner of lands now or formerly of The California Oil Company, which point is distant easterly 695.96 feet measured along the southerly line of Little Britain Road from the easterly line of the Bethlehem Road; running thence South 24 degrees 44 minutes East along the southwesterly line of lands now or formerly of The California Oil Company as aforesaid 24.50 feet; thence South 63 degrees 44 minutes West parallel with the southerly line of said Little Britain Road 23.50 feet; thence North 81 degrees 39 minutes 20 seconds West 43.13 feet to a point in the southerly line of Little Britain Road distant westerly 636.96 feet from the easterly line of Bethlehem Road; and thence North 63 degrees 44 minutes East along the southerly line of Little Britain Road 59.00 feet to the point or place of BEGINNING.

**TOGETHER** with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

**TOGETHER** with the appurtenances, and also all the estate which the said decedent had at the time of decedent's death in said premises, and also the estate therein, which the party of the first part has or has power to convey or dispose of, whether individually, or by virtue of said will or otherwise,

**TO HAVE AND TO HOLD** the premises herein granted unto the party of the second part, the distributees or successors and assigns of the party of the second part forever.


**AND** the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

**AND** the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

**IN WITNESS WHEREOF**, the party of the first part has duly executed this deed the day and year first above written.

[IN PRESENCE OF:

  
Clarence P. Mans

STATE OF NEW YORK, COUNTY OF ORANGE

On the 8th day of February 1994, before me personally came

CLARENCE P. MANS

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same.

*Betty B. Mans*

BETTY B. MANS  
Notary Public, State of New York  
Qualified in Orange County  
Commission Expires March 30, 1994

STATE OF NEW YORK, COUNTY OF

On the day of 19, before me personally came to me known, who, being by me duly sworn, did depose and say that he resides at No.

that he is the of

, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

STATE OF NEW YORK, COUNTY OF

On the day of 19, before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same.

Acknowledgment by Attorney in Fact

State of New York  
County of ss.:

On this day of 19, before me personally came

to me personally known to be the person described and appointed attorney in fact in such and by a certain power of attorney executed by

dated 19, and recorded in the Office of the Clerk of County on the day of 19, (or to be recorded in the Office of the of County simultaneously with the foregoing instrument) and acknowledged to me that he had executed the foregoing instrument as the act of the said

**BARGAIN AND SALE DEED  
WITH COVENANT AGAINST GRANTOR'S ACTS**

**TITLE No.**

---

**SECTION**

**BLOCK**

**LOT**

**COUNTY OR TOWN**

**TO**

**RETURN BY MAIL TO:**

**STANDARD FORM OF NEW YORK BOARD OF TITLE UNDERWRITERS**

*Distributed by*

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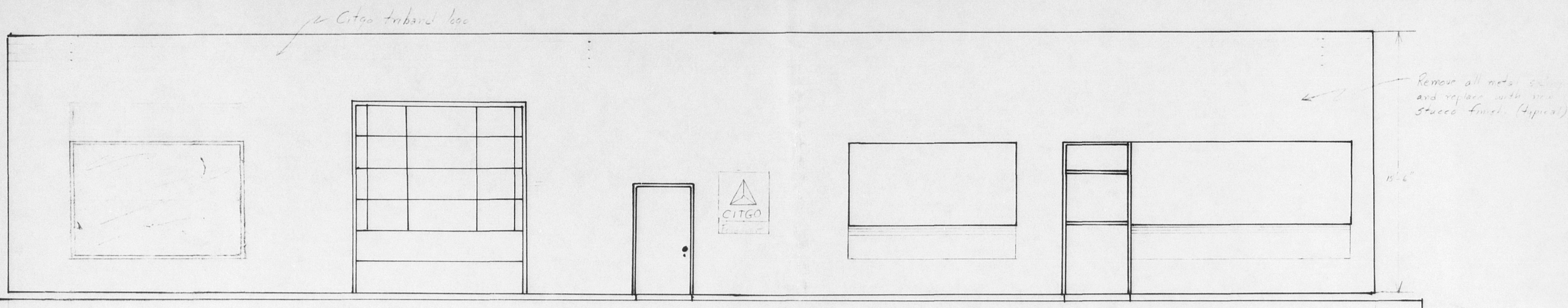
**New Windsor, New York 12553**

**CLARENCE P. MANS  
P.O. BOX 247  
VAILS GATE NY 12584**

**Zip No.**

**OR USE OF RECORDING OFFICE**



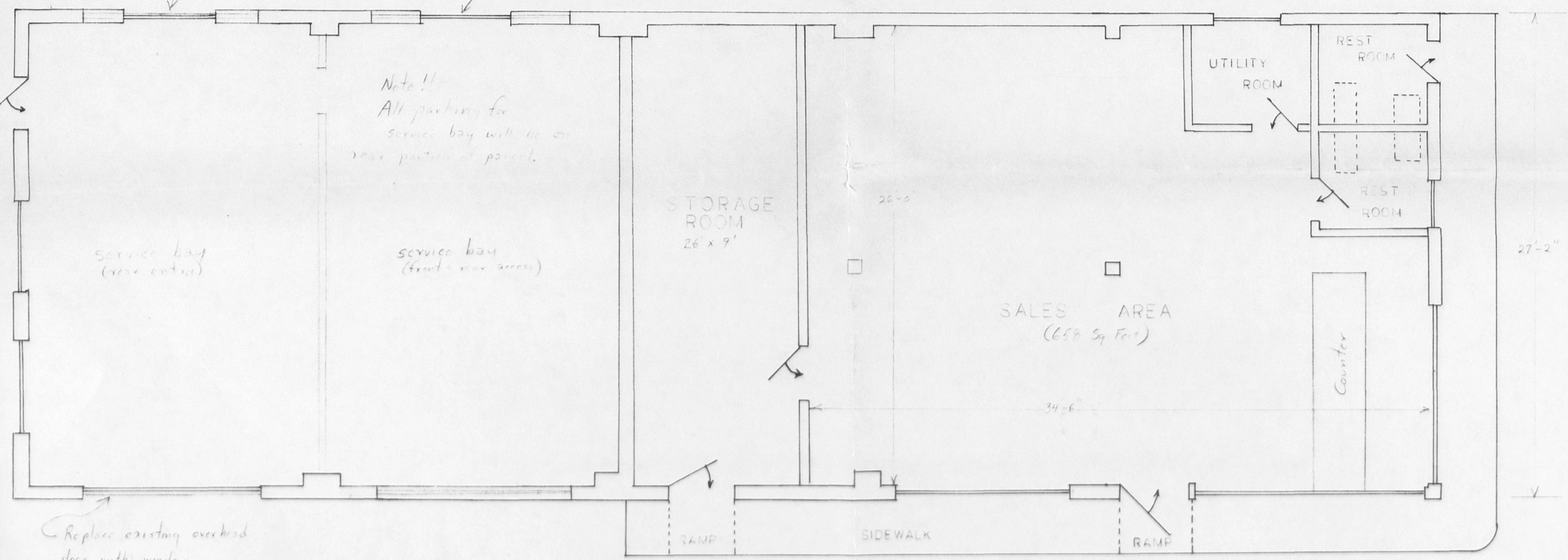


# ELEVATION

Scale 1/4" = 1 foot

Note: Install two overhead doors

Note!! All parking for service bay will be on rear portion of parcel.



# PLAN

Scale 1/4" = 1 foot

## GAS STATION UPGRADE     route 207 new windsor, new york

Owner: <b>C. Mans</b> Valis Gate, New York	Engineer: <b>JAMES SPRATT, P.E.</b> P.O. Box 156 Hyde Park, NY 12538	
	Date 6/20/95 Revision 8/1/95 Revision 8/1/95 Revision 9/1/95 Revision 10/3/95	2 of 3





# BUILDING PERSPECTIVE

Owner C. Mans  
Vails Gate, NY

Engineer:  
James Spratt, PE.  
P.O. Box 156  
Hyde Park, NY 12538

Note:  
Existing exterior to be removed.  
Replace with new under layment  
with new epoxy stucco finish (typical)



Date	6/22/95
Revision	8/2/95
Revision	8/19/95
Revision	9/22/95
Revision	10/5/95

SHEET #  
3 of 3



# ZONING REQUIREMENTS

DISTRICT: NC USE: Group B-7

SECTION: 33 BLOCK: LOT: 9

ITEM	Required	Proposed	ZBA
LOT AREA	18,000 SF	17,067 SF	
LOT WIDTH	125'-0"	150'-0"	
FRONT YARD	40'	36' (Existing)	*
SIDE YARD	15'	9' (Existing)	*
BOTH SIDES	30'	42' (Existing)	
REAR YARD	15'	66' (Existing)	
FRONTAGE	NA	NA	
MAX. BLDG. HGT.	23'	17'	
FLOOR AREA RATIO	0.5	0.13	
LOT COVERAGE	NA	13.2%	
CANOPY (Front Yard)	40'	1'	*

## PARKING REQUIREMENTS

Retail Area -  $\frac{6585 \text{ SF}}{150 \text{ /space}} = 5 \text{ spaces}$

2 Service Bays (4 spaces) = 8 spaces

$\frac{6445 \text{ SF}}{13 \text{ spaces}} = 13 \text{ spaces}$

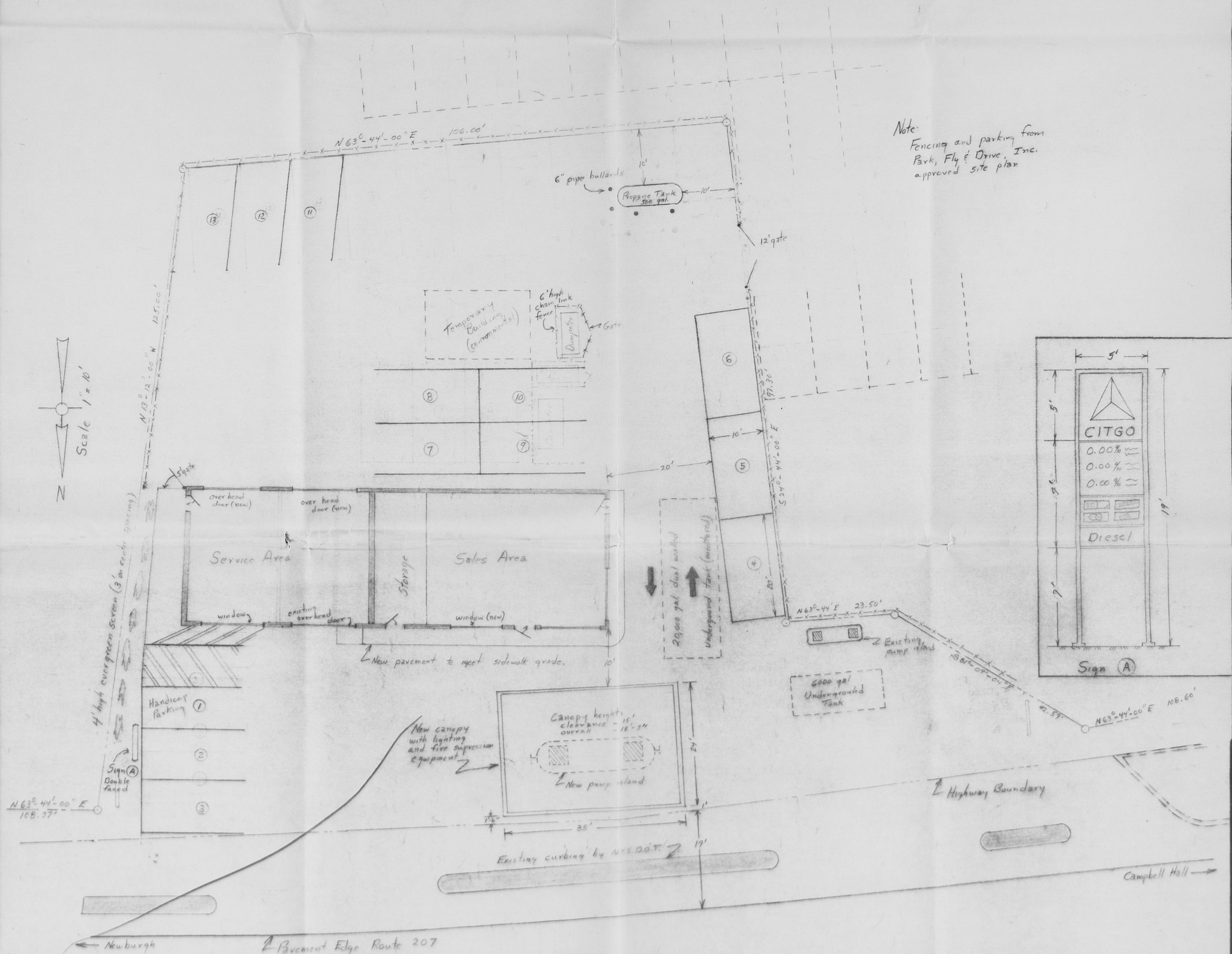
\* Indicates non-conforming

## Notes:

- Survey by Sidney L. Horowitz L.S. dated 6/22/79
- Topography from Paul Cuomo, P.E. Site Plan dated 8/5/93
- No underground tanks exist on this parcel
- Curbing shown on Route 207 constructed by NYSDOT
- Signage: 2 free standing, internally lighted, detail A



Note:  
Fencing and parking from  
Park, Fly & Drive, Inc.  
approved site plan



Revisions:  
10/9/95  
10/21/95

Dated  
10/5/95

# SITE PLAN

GAS STATION UPGRADE  
RTE. 207 — TO NEW WINDSOR

owner:  
C. Mans  
Box 247  
Vail Gate, NY

Engineer:  
James Spratt, PE  
P.O. Box 156  
Hyde Park, NY 12538

Sheet  
1 of 3